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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12552 of 2021

1. V.Subramani
2. S.Anbarasu

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram District.
(Crime No.47 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to grant their anticipatory bail in the event of their arrest in Crime No.47 of 2020 on the file of the respondent.

For Petitioners : Mr.R.Anbalagan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 IPC and Section 4 of the TNPHW Act in Crime No.47 of 2020 seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant and the petitioners in respect of irrigation of water through channel for their lands respectively, on account of which, the petitioners were assaulted the defacto complainant. Hence, the defacto complainant has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the first petitioner's wife and mother of the second petitioner has filed a writ petition, in WP.No.7470 of 2021, prayed for writ of mandamus for proper enquiry and to take criminal proceedings against the defacto complainant. This court vide order dated 23.03.2021, the writ petition was closed. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that due to irrigation of water through channel there was a dispute between the petitioners and the defacto complainant, a complaint came to be registered. He would further submit that it is a case and case in counter. He further submits that in this regard, no one sustained injuries and the victims was only treated as out patient. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No -II , Kancheepuram on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
20/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHIPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.ANBALAGAN Advocate on payment of necessary
charges SR.NO. 7596

CRL OP.12552/2021

Date :20/07/2021

RW 28/07/2021