



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12544 of 2021

WEB COPY

1. Thilakaraj @ Dhinakarasu ... Petitioners
S/o.Arumugam
2. Tamilarasu @ Tamilarasan
S/o.Arumugam

Vs.

State Rep by ... Respondent
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Cr.No.348 of 2022)

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to grant anticipatory bail to the petitioners in the event of arrest in Crime No.348 of 2021 by the respondent police.

For Petitioners: Mr.M.Mariappan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 307 of IPC in Crime No.348 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son viz., Murasolimaran and the petitioners's sister viz., Reena were in love for the past two years. Reenas father came to know the love affairs, he had sent her daughter to Mumbai. That being so, on the date of occurrence, the defacto complainant's son went to the petitioners' house and told that he wants to marry her daughter and there was verbal altercation between the petitioners/accused and the victim, for which, the petitioners assaulted him with filthy language and stabbed him by using knife. Thereby, the victim had sustained grievous injuries and admitted in the Government Hospital, Salem through ambulance. Thereafter, the defacto complainant lodged a complaint and pursuant on her complaint, the respondent police came to be registered an FIR against the accused persons.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that due to the love affair between the defacto complainant's son and the petitioners sister, there was a verbal altercation between the petitioners and the victim, the petitioners had assaulted him with filthy language and stabbed him with knife thereby, the victim had sustained grievous injuries and the injured discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a dispute regarding love affair, due to which, the petitioners had assaulted him with filthy language and stabbed him with knife. He further submits that the injured discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the submissions made by both counsel, 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 - II, Mettur 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



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

-sd/-
22/07/2021

WEB COPY

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-II,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION) .

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.7622

CRL OP.12544/2021

Date :22/07/2021

INBA 30/07/2021