



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12843 of 2021

1 KUMAR [PETITIONER / ACCUSED]
2 PONNAMMAL
3 SAMINATHAN
4 SENTHIL @ SENTHILKUMAR

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.291 OF 2021.

For Petitioner : M/S. C.S.SARAVANAN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.291 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners along with other accused attacked the defacto complainant with hands and caused injuries to him. Thereby he sustained injuries and admitted in Udumalai Government Hospital. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the injured has been discharged from the hospital and there is no previous case as against the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and there is no previous case as against the petitioners, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Madathukulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only), 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 1st, 3rd and 4th petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and the 2nd petitioner, being the lady, shall report before the respondent police 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 petitioner 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.

WEB COPY

-sd/-
29/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADATHUKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR.No.7926

CRL OP.12843/2021

Date :29/07/2021

APN 09/08/2021