



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13750 of 2021

1 R.HARISH [PETITIONERS / ACCUSED]
2 M.MOORTHY @ ESWARAMOORTHY
3 PAPPATHY @ LOGAMBAL
4 UMA @ UMADEVI
5 VIJAYA @ VIJAYALAKSHMI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.515/2021.

For Petitioner : M/S.C.VASUDEVAN Advocate

For Respondent : M/S.C.E.PRATAP, 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 punishable under Sections 147, 148, 294(b), 323, 324 and 307 of IPC in Crime No.515 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Civil Engineer by profession and when the defacto complainant had gone to supervise the construction site, Ottamathai, which belonged to Rajes, at that time, the 1st petitioner who is the neighbour, had caused trouble in not allowing the complainant and his workmen to do the construction work. When the workers tried to cross the house of the 1st petitioner, they were threatened and their equipments for construction were seized by the petitioner. When the complainant tried to amicably solve the situation, the 1st petitioner and his relatives threatened them with dire consequences and caused injuries to the defacto complainant and his workers. Thereby, the defacto complainant had sustained injuries. Hence, the present complaint was lodged by the defacto complainant .



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was a counter case also registered and the injured has taken treatment as out-patient. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to civil dispute between the parties, the occurrence had taken place and the injured has treated as out-patient and there was a counter case also registered. Regarding the same dispute, an appeal was filed in A.S.NO..4 of 2014 before the Subordinate Judge, Thiruchengode and the same was pending. He further submits that this Court had already granted anticipatory bail to the co-accused in Crl.O.P.no.13640 of 2021 dated 05.08.2018 Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and there was a counter case and this Court had already granted anticipatory bail to the co-accused, 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, Komarapalayam** 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.

-sd/-
09/08/2021

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,
KOMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.C.VASUDEVAN Advocate on payment of necessary charges SR.NO.8392

CRL OP.13750/2021

Date :09/08/2021

TA-31/08/2021