



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.14307 of 2021

1 MAGESH
2 RANGANAYAGI
3 SELVI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VADAKKIPALAYAM POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO. 293/2021.

[RESPONDENT]

For Petitioner : M/S.N.UMAPATHI Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

For Intervenor : MR.P.KALIMUTHU Advocate

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 offences under Sections 447, 294(b), 323, 325, 506(i) IPC r/w Section 4 of the Tamil Nadu Prevention of Women Harassment Act in Crime No.293 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the adjacent owner of M-Sand company viz., Arvind Muthusamy had given a letter to the surveyor to survey the property in S.F.No.351/6, 3 situated at Puravipalyam Village, Pollachi Taluk and while the surveyor had started surveying the property, whereby the adjacent land owner viz., Gopal, his son, wife and daughter (A1 to A4) trespassed into the property of the de-facto complainant and abused the de-facto complainant and his husband in filthy language and also attacked them and thereby, caused injuries. Hence the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Mr.P.Kalimuthu, learned counsel appearing for the intervenor/de-facto complainant vehemently opposed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) would submit that the victims have been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also taking note of the fact the victims have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.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 No.I, Pollachi, on condition that the petitioners shall execute a separate 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:

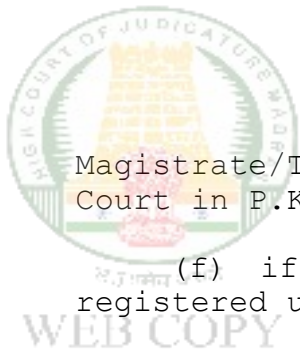
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner 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 and the second and third petitioners 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 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/-
25/08/2021

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 NO.I,
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMTION).

3 THE INSPECTOR OF POLICE,
VADAKKIPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.UMAPATHI Advocate on payment of necessary
charges SR.NO. 9094

CRL OP.14307/2021

Date :25/08/2021

INBA 31/08/2021