



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14544 of 2021

1 T.SELVARAJ [PETITIONER / ACCUSED]
2 THIRUMALAIVASAN
3 ROJAPPU
4 KALIYAPERUMAL
5 LOGANATHAN
6 UTHAMAN

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THITTACHERRY POLICE STATION,
NAGAPATTINAM DISTRICT.
Crime No.781 of 2021

For Petitioner : M/S. S.RAVICHANDRAN 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 for the alleged offence punishable under Section 174 of Cr.P.C and later it was altered into Section 306 of IPC in Crime No.781 of 2021 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that due to fence dispute, there was a wordy quarrel between the defacto complainant and the petitioners. Following which, the petitioners along with others had trespassed into the house of the defacto complainant, attacked him and his mother and also criminally intimidated them with dire consequences, due to which, the defacto complainant's mother had committed suicide by hanging herself in her house. Hence, the complaint.



3.The learned counsel appearing for the petitioner 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 the lower court has granted anticipatory bail to the co-accused in Cr.MP.No.2222 of 2021 dated 07.08.2021. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits due to fence dispute, there was a wordy quarrel between the defacto complainant and the petitioners. the present complaint has been filed. He further submits that the lower court had already granted anticipatory bail to the co-accused in Cr.MP.No.2222 of 2021 dated 07.08.2021. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and co-accused has already enlarged on bail, 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, Nagapattinam, on condition that each of the petitioners shall execute a bonds 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/-

18/08/2021

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.II,
NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THITTACHERY POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.RAVICHANDRAN Advocate on payment of necessary charges SR.No.8727

CRL OP.14544/2021

Date :18/08/2021

APN 27/08/2021