



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

Thursday, the Nineteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14703 of 2021

1 SRINIVASAN @ SRIDHAR SRINIVASAN
2 RATHINASWAMY @ MUTHURATHINAM
3 DURAISWAMY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.1087/2021

[RESPONDENT]

For Petitioner : M/S.M.RAJKUMAR Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. 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 294(b), 323 and 506(ii) of IPC in Crime No.1087 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute with respect of allocating boundary stones in property between the petitioners and the defacto complainant. On the date of occurrence, the petitioners have removed the boundary stones in his property, the same has questioned by the the defacto complainant. Following which, the petitioners have joined together and assaulted the defacto complainant. Thereby, the defacto complainant had sustained injuries. 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 defacto complainant has insisted them to sell their property for meagre amount, but the petitioners have



refused to do so, the defacto complainant has lodged a complaint. He further submits that there was case in counter in Crime.No.1088/2021. Therefore, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) submits due to property dispute between the petitioners and defacto complainant, the present complaint has been filed. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to these petitioners.

5. Considering the fact that the injured has discharged from the hospital and there was a case in counter, this court is inclined to grant anticipatory bail to these 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 No.1, Dharapuram on condition that each of the petitioners shall execute a 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.

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-sd/-
19/08/2021

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,
DHARAPURAM.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.RAJKUMAR Advocate on payment of necessary
charges SR.NO. 8952

CRL OP.14703/2021

Date :19/08/2021

INBA 03/09/2021