



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

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15346 of 2021

1 MUTHAIYA @ MUTHAIYAN
2 BALAKRISHNAN
3 TAMILARASAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.654 OF 2021.

[RESPONDENT]

For Petitioner : M/S.G.ILAMURUGU Advocate

For Respondent : Mr.A.Gopinath Government 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 Sections 147, 148, 448, 294(b), 323, 324, 506(ii) of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act,2002 in Crime No.654 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was dispute between the defacto complainant's family and the petitioners' family on civil dispute. In this connection, the petitioners along with other accused have scolded the defacto complainant and his family members in filthy language and they have also assaulted them with stones and deadly weapons and also threatened them with dire consequences. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.

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 the counter was registered in Crime No.653 of 2021. He further submits that co-accused were enlarged on bail by the Sessions Court, Perambalur vide order dated 09.08.2021 in Crl.MP.No.469 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that in this regard, no one sustained injury. He further submits that there was a case in counter in Cr.No. 653 of 2021.

5. Considering the fact that no one sustained injury, 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, Perambalur on condition that each of the petitioners shall execute a separate 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/-

26/08/2021

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.



1 THE JUDICIAL MAGISTRATE,
PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SESSIONS COURT,
PERAMBALUR

CC to M/S.G.ILAMURUGU Advocate on payment of necessary charges
sr.9146

CRL OP.15346/2021

Date :26/08/2021

RVR 13/09/2021