



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17360 of 2021

1 S.SEKAR [PETITIONERS / ACCUSED]
2 S.SATHISH
3 T.VIVEK
4 S.SUBRAMANI
5 S.THANGAVEL

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEPPADAI POLICE STATION,
NAMAKKAL DISTRICT.
(CR.NO.289 OF 2021)

For Petitioner : M/S.S.SARATHKUMAR Advocate

For Respondent : MR.A.GOPINATH, 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 Sections 147, 148, 294(b), 323, 324 and 506 (ii) of IPC in Crime No.289 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is working as a Watchman at Senthooor Murugan Spinning Mills Pvt Ltd., Veppadai, Mayttukadai and on 11.09.2021 at about 7p.m., while the defacto complainant was going back from work, he noticed that the petitioners/neighbour land owners have dug the pit where the way goes to defacto complainant's owner's property, the same was questioned by the defacto complainant. For which, the petitioners have abused the defacto complainant with filthy language and attacked him with legs and threatened him with dire consequences and also caused injuries to him. 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 out of friendship with the mill owner, the



petitioners allowed him to use part of the petitioners' land as path way to reach the spinning mill for few months. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the injured has been discharged from the hospital.

5. Considering the submissions made by both counsel and also the fact that the injured has been discharged from the hospital, 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, Kumarapalayam* on condition that each of the petitioners shall execute 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 everyday Morning 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/-

20/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
KUMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEPPADAI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SARATHKUMAR Advocate on payment of necessary
charges SR.NO.10450

CRL OP.17360/2021

Date :20/09/2021

CSK 28/09/2021