

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20172 of 2020

1.K.Parimala
2.Nathiya
3.M.Kamaraj

... Petitioners/ Accused 1 to 3

Vs.

The State, represented by,
The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District
(Crime No.1069 of 2020)

... Respondent/Investigating Officer

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned with Crime No.1069 of 2020, on the file of the Inspector of Police, Thiruchengode Rural Police Station, Salem District.

For Petitioners : Mr.V.Vargees Amal Raja

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A3. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 447, 506(i) and 174 of IPC, in Crime No.1069 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to a civil dispute between the petitioner and defacto complainant, a wordy quarrel arose, as a result of which, the petitioners said to have abused the defacto complainant. Hence, the present complaint has been filed.

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

4. The learned Additional Public Prosecutor appearing for the respondent submitted that they are neighbours, and due to a civil dispute, there was a wordy quarrel between them, in which, they have attacked the defacto complainant and caused injuries. The injured person has been discharged from hospital and there is no previous case pending against the petitioners.

5. Taking into consideration of the facts and circumstances of the case, as there is a land dispute exists between the petitioners and defacto complainant, a wordy quarrel arose, due to which, the petitioners have attacked the defacto complainant, in which, he sustained injury, and the injured person also discharged from hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] 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, Thiruchengode, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/01/2021

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,
THIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT

CC to M/S. V.VARGEES AMAL RAJA Advocate on payment of necessary charges

CRL OP.20172/2020

सत्यमेव जयते Date : 07/01/2021

RVR 02/02/2021

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