



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19017 of 2021

1 MILAN

[PETITIONERS / ACCUSED]

2 VASANTHA KUMAR

3 VIJAYANANTHAN

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

KINATHUKADAVU POLICE STATION,

COIMBATORE DISTRICT.

CRIME NO.436 OF 2021.

For Petitioner : M/S. M.N.BALAKRISHNAN Advocate

For Respondent : MR. 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 Sections 147, 294(b), 323 and 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.436 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was parked his two wheeler and went to buy groceries, the petitioners picked a wordy quarrel with the defacto complainant and abused him and also attacked him 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 there was a case in counter. He further submits that there was a previous enmity in view of utilizing the common well. Hence, a quarrel arose and both the parties exchanged blows. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) on instructions submits that the injured had sustained simple injuries.

5.Considering the facts and circumstances of the case and submissions made by both counsels and also the fact that the injured had sustained simple injuries, 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 Court-I, Pollachi 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 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/-

08/10/2021

WEB COPY

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.11340

CRL OP.19017/2021

Date :08/10/2021

RW 18/10/2021