



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19816 of 2021

1 KUMAR @ KUMARASAMY [PETITIONERS / ACCUSED]
2 NILU@ NILLAVENI
3 CHINNA PONNU @ CHINNA KUZHANTHAI

Vs

STATE REPBY [RESPONDENT]
THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
THIRUVANNAMALAI DISTRICT
CR NO.438/2021

For Petitioner : M/S.V.R.APPASWAMEE Advocate

For Respondent : M/S. 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 in Crl.O.P.No.19816 of 2021, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323 & 506(i) of I.P.C in Cr.No.438 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the De-facto Complainant with regard to the utilization of the land due to which there was an altercation between them which resulted in the registration of the FIR.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there was a case in counter. Hence prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case against the petitioners and it is purely a civil



dispute between the parties. He further submitted that no one sustained injuries.

5. Considering the facts and circumstances of the case that it is a civil dispute between the parties and since no one sustained injuries, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate Court, Vandavasi, on condition that 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
26/10/2021

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,
VANDAVASI, TIRUVANNAMALAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.No.11787

CRL OP.19816/2021

Date :26/10/2021

APN 01/11/2021