

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20749 of 2020

1. V.Ramamoorthy, ... Petitioners
2. V.Ramaraj,
3. V.Ramki,
4. Jayabarathi,
5. Veeran,

Vs.

The State rep. by ... Respondent
The Inspector of Police,
Vellimedu Pettai Police Station,
Villupuram District.
(Crime No.914 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of their arrest in Crime No.914 of 2020 pending on the file of the respondent.

For Petitioners: Mr.P.Bakiyaraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are 18 accused and the petitioners are arrayed as A1 to A4 and A15. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 147, 148, 294(b), 307 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.914 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that due to previous enmity, during digging up of borewell, the petitioners said to have abused the defacto complainant and attacked him with wooden log, thereby caused injury to him. In the said circumstances, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioners would submit that due to previous enmity, the defacto complainant and his relatives have scolded the petitioners, and hence, there was a wordy altrightation between them. He would submit that the petitioners are innocent persons and they are no way connected with the offence. He would also submit that they have been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners and defacto complainant are neighbours and during the digging up of borewell, there was a wordy quarrel between them, as a result of which, the petitioners have attacked the defacto complainant with wooden log. He would submit that the injured was discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that both parties are neighbours, there was a wordy quarrel during digging up a borewell and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, 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, Villupuram, on condition that the petitioner 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required ;

[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];

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

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

-sd/-

21/01/2021

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,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLIMEDU PETTAI POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.P. BAKIYARAJ Advocate on payment of necessary
charges SR NO. 661

CRL OP.20749/2020

Date :21/01/2021

MN-29/01/2021