



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20039 of 2021

1 PARAMASIVAM
2 SELVI
3 KOLANJI
4 SATHIYA
5 ANJALAM
6 KANNAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
RAMANATHAM POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.1056/2021)

[RESPONDENT]

For Petitioner : M/S A.M.VENKATA KRISHNAN 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 under Sections 147, 148, 323, 324 & 302 of IPC in Cr.No.1056 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to dispute over grassing of the cattle, there arose a wordy quarrel between two groups and when the deceased one Thangavel/de-facto complainant's husband reached the scene of occurrence and tried to compromise the issue, the petitioners attacked the said Thangavel/deceased with deadly weapons and in the said attack, the deceased sustained grievous injuries and got admitted in the hospital and took treatment as in-patient and thereafter passed away. Hence, this complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that after the receipt of the Post



mortem report, it was revealed that the deceased died due to heart attack and not due to the injuries sustained in the said attack. He also submitted that the co-accused has already been enlarged on bail in C.M.P.No.1823 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the petitioners attacked the deceased using deadly weapons and he sustained grievous injuries and thereafter he passed away. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and on perusal of the post mortem report, it is alleged that the deceased passed away due to heart attack and not due to the injuries sustained in the said attack, 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, Thittakudi, 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)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.

WEB COPY

-sd/-
01/11/2021

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,
THITTAKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
RAMANATHAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S A.M.VENKATA KRISHNAN Advocate on payment of necessary charges

CRL OP.20039/2021

Date :01/11/2021

INBA-17/11/2021