



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

Monday, the Eighth day of November Two Thousand Twenty One

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PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20905 of 2021

1 M.RUKMANI
2 M.MATHIVANAN

[PETITIONERS / ACCUSED]

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT-621 708.
CRIME.NO.757 of 2021.

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.M.RAMAMOORTHY Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.757 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 07.10.2021 at about 2 p.m., the petitioners had planted natural fencing in the defacto complainant's land. The defacto complainant questioned the same and subsequently, the grandson of the defacto complainant removed the same for which, the 1st petitioner abused the defacto complainant in filthy language and the 2nd petitioner who is the son of the 1st petitioner, attacked the defacto complainant with Aruval. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would submit that there is a case in counter against the defacto complainant in Crime No.756 of 2021 for the attack made by him on the 1st petitioner and that the petitioner was subsequently admitted in the hospital. Till date, the respondent police have not taken any action



on the complaint given by the 1st petitioner whereas, they have registered a false case against the petitioners based on the complaint given by the defacto complainant and harassing them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor raised formal objection and submitted that there is a case in counter and the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Kunnam, Perambalur District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 appear 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.

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-sd/-
08/11/2021

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,
KUNNAM, PERAMBALUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT-621 708

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.RAMAMOORTHY Advocate on payment of necessary charges SR.NO.12527

CRL OP.20905/2021

Date :08/11/2021

INBA-17/11/2021