



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20957 of 2021

1 A.PALANISAMY [PETITIONERS / ACCUSED]
2 P.PERIYASAMY
3 P.MANI
4 P.VENKATACHALAM

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT
CR NO.574/2021

For Petitioner : MR. SWAMI SUBRAMANIAM FOR
M/S.D.LAKSHMIPATHY 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), 323, 324 and 506(ii) of the IPC, in Crime No.574 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused persons and the defacto complainant are close relatives and there was a previous enmity between them in respect of pathway dispute. While so, on 03.10.2021 at about 7.30 a.m., the accused persons were repairing the drinking water pipe line. When the same was questioned by the defacto complainant, there was a quarrel between them. At that time, the accused persons assaulted the defacto complainant and also threatened him with dire consequences. 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 that a false case has been foisted against them due to previous enmity. He would further submit that there is a case in counter in Crime No.575 of 2021 against the defacto complainant and his family members based on the complaint given by the 1st petitioner herein. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor raised formal objection and would submit that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that the victim 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-II, Mettur, 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.

-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,
NO.II, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges

CRL OP.20957/2021

Date :08/11/2021

APN 16/11/2021