



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21069 of 2021

1. Nandaprabu
2. Thangavel

... Petitioners

Vs.

The State Represented by
The Inspector of Police
Anupparpalayam Police Station
Tiruppur - 641 666
Cr.No.3913 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.3913 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 427, 447 and 506(ii) of IPC in Crime No.3913 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners put up fencing in the plot belongs to the defacto complainant and when it was questioned, they abused and attacked the defacto complainant and threatened with dire consequences. Hence, the complaint

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised formal objection and would submit that the injured has been discharged from the hospital.

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5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and that the dispute is civil in nature, 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 on which the order copy is made ready, before the learned Judicial Magistrate-III, Tiruppur, on condition that the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and 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.

[b] the petitioners shall report before the respondent police on every Friday at 10.30 a.m. until further orders.

[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].



[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
17/11/2021

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.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR-641666

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary
charges SR.NO.12958

CRL OP.21069/2021

Date :17/11/2021

JPA 23/11/2021