



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21361 of 2021

1. M.Gopal
2. Siva @ Sivalingam
3. R.Kannan @ Kannaiyan

... Petitioners

Versus

State Rep by
The Inspector of Police
Sendamangalam Police Station,
Namakkal District.
(Crime No.756 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.756 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.C.Ramesh

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

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 341, 294(b) and 307 of IPC in Cr.No.756 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant's father in law are relatives and living in the same locality and there was already pathway dispute between them for which the petitioners abused the defacto complainant in filthy language and also damaged his car. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there is a case in counter registered against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) submits that there was pathway dispute between the petitioners and the defacto complainant and no one sustained injuries in the quarrel. However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that there is a case in counter registered against the defacto complainant and since the case is civil in nature, this Court 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-1, Salem 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 petitioner 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 on every friday at 10.30 a.m. for a period of four 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 anticipatory 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/-

15/11/2021

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.I, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.C.RAMESH Advocate on payment of necessary charges
sr.12864

CRL OP.21361/2021

Date :15/11/2021

RVR 19/11/2021