



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21323 of 2021

1 MAHESWARAN
2 M.VIJAYAKUMAR

[PETITIONERS / ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE
AYILPATTY POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.448 OF 2021

[RESPONDENT]

For Petitioner : R.NALLIYAPPAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Cr1.Side)

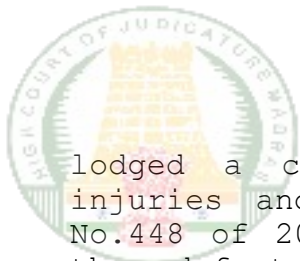
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(i) IPC, in Crime No.448 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 28.09.2021 1st petitioner/A1 ploughing the land through tractor he alleged to have ploughed the land belongs to the defacto complainant also and questioning the same A1 on the inducement caused by the 2nd petitioner/A2 alleged to have attacked him with stones and due to that he sustained with simple injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and he has been falsely implicated in this case for the reasons that the 1st petitioner had



lodge a complaint against the defacto complainant for causing injuries and damaging the tractor, which was registered in Crime No.448 of 2021. He would further submit that in the counter case, the defacto complainant and other accused have been granted anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is an adjacent land owners. He further submitted that the injured person has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that there is a adjacent land owners, civil dispute, injured discharge, 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 Court, Rasipuram, on condition that the petitioners shall execute a 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

12/11/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
AYILPATTY POLICE STATION, NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to R.NALLIYAPPAN Advocate on payment of necessary charges
SR.NO.12691

CRL OP.21323/2021

Date :12/11/2021

RW 16/11/2021