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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

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

Cr1.O.P.No.21584 of 2021

1.Arunachalam
2.Thamilselvi
3.Kuppathal

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Amaravati Nagar Police Station,
Tiruppur District.
Crime No.312 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.312 of 2021 on the file of the respondent.

For Petitioner : Mr.Babu

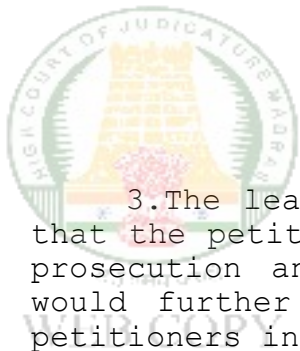
For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1.Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(ii) of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Cr.No. 312 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel among the petitioners and the defacto complainant, due to the construction of compound wall by the complainant. Thereafter, the petitioners attacked the defacto complainant and he sustained grievous injuries. 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 the case. He would further submitted that a case in counter also filed by the petitioners in Crime No.311 of 2021.

4.The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital and dispute with regard to compound wall, which is Civil in nature, this Court is 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 No.I, Udumalaipet, 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 report before the respondent police on every Wednesday 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.

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-sd/-
18/11/2021

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, UDUMALAIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AMARAVATI NAGAR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.BABU Advocate on payment of necessary charges
SR.NO.13115

CRL OP.21584/2021

Date :18/11/2021

JPA 24/11/2021