



WEB COPY

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.21653 of 2021

1.Pulavendiran
2.Saravanan
3.Balaguru

... Petitioners

Vs.

The State of Tamil Nadu
Rep. by Inspector of Police,
Valankaiman Police Station,
Thiruvarur District.
Cr.No.1023 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of arrest connection with Crime No.1023 of 2021 pending investigation on the file of the respondent.

For Petitioners: Mr.S.Sekar

For Respondent : Mr.N.S.Suganthan
Government Advocate
(Cr1. Side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 324, 506 (ii) of IPC, in Crime No.1023 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity and the land dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant in filthy language, assaulted him and his son with iron rod, threatened them with dire consequences and also caused grievous injuries to them. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was previous enmity and land dispute between them, due to which, the defacto complainant lodged a false complaint against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the injured has been discharged from the hospital on the same day. He further submits that there are no previous cases as against the petitioners and investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital on the same day and investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners on 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 District Munsif-Cum-Judicial Magistrate, Valankaiman, Thiruvavur District on condition that each of the petitioners shall execute separate bonds 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the 2nd and 3rd petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation and the first petitioner being a Senior Citizen shall report before the respondent police 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/-

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANKAIMAN,
THIRUVARUR DISTRICT.

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

3 THE INSPECTOR OF POICE
VALANKAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S. SEKAR Advocate on payment of necessary charges
SR.NO.13050

CRL OP.21653/2021

Date :18/11/2021

RW 22/11/2021