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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23052 of 2021

1.S.Kumar
2.K.Jayanthi
3.Valarmathi

... Petitioners

Versus

The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.
(Crime No.570 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.570 of 2021 pending investigation on the file of the respondent police.

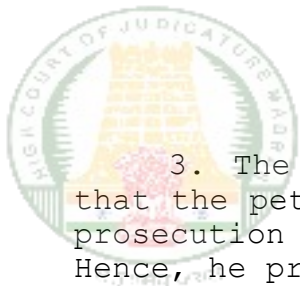
For Petitioners : Mr.P.Jayachandran

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 447, 294(b), 427 and 506(ii) of IPC in Crime No.570 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and they are the legal heirs wants to grandmother (Chinnasamy, Sivagamiammal), 1. Singaram, 2. Singaravel, 3. Royar it was common family property was divided about 40 years in the presence of elders and while enjoying the share accordingly Ja. Sitthamur Village Punjay S.No.4/15 in the presence of the Village Panchayathar. There was a dispute with the pumping of water into the oil engine in the legal heirs well. On 05.10.2021 some persons are threatening the petitioners and on 09.10.2021 in pursuance of the said civil dispute, the defacto complainant picked the quarrel with the petitioners and he assaulted petitioners and caused multiple injuries to the petitioners. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is civil dispute and the parties are close relatives. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the **learned Judicial Magistrate, Thirukovilur**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the **credit of the Legal Services Authorities, Thiruvannamalai District** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioners are directed to report before the respondent police every Sunday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/12/2021

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,
THIRUKOVILUR, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION, KALLAKURICHI
DISTRICT. CRIME NO. 570 OF 2021

5 THE LEGAL SERVICES AUTHORITY,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. P.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.13891

CRL OP.23052/2021

Date :02/12/2021

TA-07/12/2021