



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23222 of 2021

1.R.Sathiyamoorthy
2.S.Vinoth
3.S.Poonjodi

... Petitioners

Versus

The Inspector of Police,
Vennandur Police Station,
Namakkal District.
(Crime No.723 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioners herein in the event of their arrest by the respondent police in Crime No.723 of 2021.

For Petitioners: Mr.A.E.Ravichandran

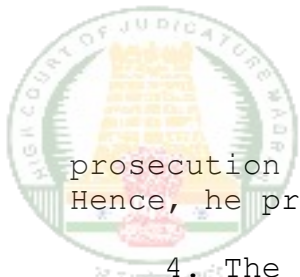
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294-B, 324, 506(1) of IPC in Crime No.723 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there was a pathway dispute between the petitioners and the husband of the defacto complainant and he filed a suit and it was dismissed on 27.03.2012 and there was a previous enmity. On 24.11.2021 the petitioners were filling gravels and debris in the common pathway which was damaged by the vehicles engaged by the defacto complainant's husband for undertaking land reclamation work in respect of his property which he has purchased recently. During the course of repairing the common pathway, the defacto complainant's husband objected the same and assaulted the 1st and 2nd petitioners and they have got themselves admitted into a private hospital and a complaint was lodged against the defacto complainant and her husband. 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.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the injured discharged. 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, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioners 1 and 2 shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and the 3rd petitioner shall report before the respondent police as and when requires 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/-

09/12/2021

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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. A.E.RAVICHANDRAN Advocate on payment of necessary charges Sr.14381

CRL OP.23222/2021

Date :09/12/2021

RVR 13/12/2021