



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

CrI.O.P.No.23480 of 2021

1. Thanigachalam
2. Thamizharasan
3.Dinesh

.. Petitioners

Vs.

State rep by
The Sub Inspector of Police
Kandamanagalam Police Station,
Villupuram District.
Crime No.389 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioners on bail in the event of their arrest in connection with Crime No.389 of 2021 on the file of the respondent police.

For Petitioners: Mr.R.Sasi Kumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 324 and 506(ii) of IPC in Crime No.389 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant regarding land dispute, in pursuant to the same, the petitioners abused the defacto complainant in filthy language, assaulted him with hands and threatened him and caused injuries on his eyes. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel 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. He further submits that the investigation was almost completed. However, he vehemently opposed for granting anticipatory bail to the petitioner.

WEB COPY

5. The learned counsel, on instructions, submits that the petitioner, without prejudice to their rights, are ready to deposit the amount of Rs.10,000/- to the credit of the crime number on the file of the respondent police and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- will be returned to him.

6.Considering the fact that the injured has been discharged from the hospital and the investigation was almost completed and also considering the fact that the petitioner is ready to deposit the amount of Rs.10,000/- to the credit of the crime number on the file of the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

7.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.II, Villupuram on condition that each of the petitioners shall execute 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 shall deposit a sum of Rs.10,000/- (Rupees Ten thousand Only) to the credit of Cr.No.389 of 2021 within a period of four weeks from the date of receipt of copy of this order before the learned Judicial Magistrate-II, Villupuram. On such deposits being made, the learned Judicial Magistrate-II, Villupuram, shall obtain an affidavit of undertaking that from the defacto complainant in relation to the cheque amount to the effect that in the event of the accused coming out successful, the defacto complainant would return the amount to the accused and, thereafter, disburse the said amount of cheque to the defacto complainant within a period of two weeks thereafter;

[b] 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;



[c] the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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 has been imposed and the petitioners are 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;

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

-sd/-

07/12/2021

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 NO.II, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
KANDAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges
Sr.14228

CRL OP.23480/2021

Date :07/12/2021

RVR 15/12/2021