



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23651 of 2021

1.N.Thangavel
2.T.Sankar

... Petitioners

Versus

The State represented by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur, Tiruppur District.
(Crime No.467 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 arrest in connection with the above said Crime No.467 of 2021 on the file of the Inspector of Police, Kamanaickenpalayam Police Station, Tiruppur, Tiruppur District.

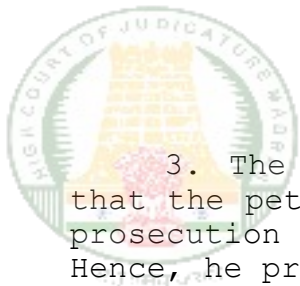
For Petitioners: Mr.S.Nagarajan

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 341, 294(b), 324 and 506(ii) of IPC in Crime No.467 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners purchased 2 acres of land from the defacto complainant's uncle (Chittappa) before 10 years and doing the agriculture. There was dispute in using the pathway between the petitioners and the defacto complainant. While it being so, on 29.11.2021 the defacto complainant parked his vehicle to give money to Kandan. During that time, the petitioners stopped their vehicle in front of the defacto complainant vehicle and scolded him with unparliamentary words and attacked him by using the steel pipe on his head and sustained injury and lodged the present complaint against 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.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the victim was having 16 stitches in his head, investigation almost completed and there is civil dispute. 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 Court, Palladam, Tiruppur District, 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 Crime number and the victim is permitted to withdraw the same without prejudice to the right and contentions 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 on every Wednesday 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/-

10/12/2021

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,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR, TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.NAGARAJAN Advocate on payment of necessary charges
Sr.14507

CRL OP.23651/2021

Date :10/12/2021

RVR 15/12/2021