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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.24305 of 2021

1.Mookan
2.Jothi

... Petitioners

Vs.

State, represented by
The Inspector of Police
Gangavalli Police Station,
Salem District.

(*) (Crime No.325 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 arrest in connection with **(*)Crime No.325 of 2021** pending investigation on the file of the respondent Police.

For Petitioners: Mr.A.Ramesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
[Dated 15.12.2021]

MR.A.Gokulakrishnan,
Additional public Prosecutor
[Dated 24.01.2022]

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323, 324 and 506(ii) of IPC in **(*)Crime No.325 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are adjacent land owners and there was a wordy quarrel arose between them regarding land dispute and grazing of cattles , due to which, the petitioners abused the defacto complainant in filthy language, assaulted her, threatened her with dire consequences and caused injuries on her. 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. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court 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. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and the investigation was almost completed and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

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 -II, Attur 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Registered Advocate Clerks Association, Salem 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the first petitioner 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 and the second petitioner shall report before the respondent police as and 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/-
15/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)Being mentioned as per order of this Court dated 24/01/2022 made in CRL.OP.NO.24305/2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM DISTRICT.

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

3 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, SALEM DISTRICT.

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+1 CC to M/S. A.RAMESH Advocate on payment of necessary charges
SR.NO.1239

CRL OP.24305/2021

Date :15/12/2021

RW 27/12/2021

JPA 28/01/2022