



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Crl.O.P.No.25168 of 2021

1. Guna @ Gunalan
2. Prakash
3. Neela
4. Vaideki
5. Suganya

...Petitioners

Vs.

State rep. by
The Inspector of Police
Arakandnallur Police Station,
Villupuram District.
Crime No.652 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant bail in the event of arrest in Crime No.652 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Baskar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC in Crime No.652 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant regarding ancestral property, due to which, the petitioners abused him in filthy language, assaulted him with wooden log, criminally intimidated him and caused injuries on him and also trespassed into the defacto complainant's house and attacked the family members of the defacto complainant. 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. Hence, he vehemently opposed for granting bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand Only) to the credit of Crime No. 652 of 2021 and on such deposit, 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, Thirukovilur, Villupuram District on condition that the petitioner 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 and on further condition that:

(a)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;

(b) the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgment;

(c)the 1st and 2nd petitioners shall report before the respondent police on every Sunday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation and 3rd to 5th petitioners shall report before the respondent police 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;



(e)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

22/12/2021

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, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKANDNALLUR POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.R.BASKAR Advocate on payment of necessary charges
Sr.15377

CRL OP.25168/2021

Date :22/12/2021

RVR 03/01/2022