



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25920 of 2021

1.Kalidhas
2.Sudakaran

...Petitioners

Versus

State represented by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.1385 of 2021)

....Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on Anticipatory bail in the event of their arrest in connection with in Crime No.1385/2021 on the file of the respondent, Dharapuram Police Station, Tiruppur District.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.1385 of 2021 on the file of respondent police, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that due to a dispute with regard to taking of water from PAP channel, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, they have abused him, attacked him with knife and also threatened him with dire consequences. In the said circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that on the date of occurrence, there was a wordy quarrel between the parties. He would submit that they are innocent persons, they are no



way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have assaulted the defacto complainant with knife and scissor, thereby caused simple injury. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that on the date of occurrence, there was a wordy quarrel between the parties. The petitioner said to have assaulted the defacto complainant pursuant to a wordy quarrel, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, the Criminal Original Petition is allowed. 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, Dharapuram on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c] the petitioners shall not tamper with the 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 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].



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

-sd/-

29/12/2021

WEB COPY

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges SR.NO.3

CRL OP.25920/2021

Date :29/12/2021

INBA-04/01/2022