



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.107 of 2022

1. Muthusamy
2. Chandiran

... Petitioners

Versus

State Rep by
The Inspector of Police
Sathiyamangalam Police Station,
Viluppuram District.
(Crime No.455 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.455 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.V.R.Appaswamee

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

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 447, 294(b), 323, & 506(ii) of IPC in Cr.No.455 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police that the petitioners trespassed into his land and tried to cultivate the same and the defacto complainant questioned the same, due to which, the petitioners assaulted the defacto complainant and abused him with filthy language, threatened him with dire consequences and also caused injuries on him. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not 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 petitioners are alleged to have assaulted the defacto complainant and caused injuries on him and the injured had taken O.P treatment . However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact the injured had taken treatment as outpatient, 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, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Gingee on condition that the petitioners shall execute separate 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 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 petitioners shall appear before the respondent police on every Saturday at 10.30a.m., for a period of four weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with 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 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]; and;



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

WEB COPY

-sd/-

06/01/2022

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,
GINGEE, VILUPPURAM DISTRICT.

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

3 THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
VILUPPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to MR.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.314

CRL OP.107/2022

Date :06/01/2022

RW 20/01/2022