



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.879 of 2022

1. ANNAMMAL

2. LINGAMMAL

... petitioners

Versus

State Rep. by Inspector of Police,
Mathur Police Station,
Krishnagiri District.

... 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 his arrest in the Crime No.438 of 2021 pending on the file of the respondent police.

For petitioners : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioners , who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 323, 324, 506(ii) of IPC in Crime No.438 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to land dispute the petitioners attacked and pelted stones on the de facto complainant, due to which he sustained injury and that they also threatened him with dire consequences. Hence this case.



3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submits that A1 has been arrested and released on bail. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners .

4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection stating that due to land dispute, the petitioners abused and attacked the defacto complainant with stones due to which, the defacto complainant sustained simple injuries.

5. Considering the above 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 to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned District Magistrate cum Judicial Magistrate, Pochampalli, 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 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;

[b] the petitioners are directed to report before the respondent police daily at 10.30 a.m., for a period of two months 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 s 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];



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

7. With the above directions, the Criminal Original Petition is ordered accordingly.

-sd/-

19/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI,
KRISHNAGIRI DISTRICT.

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

3 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.879/2022

Date :19/01/2022

RW 31/01/2022