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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Crl.O.P.No.2044 of 2022

1. N.Karuppaiah
2. Palaniammal
3. Tharun Kumar
4. Aishwarya
5. Sushmitha

...Petitioners

Vs.

State Rep by
Inspector of Police
Korattur Police Station,
Chennai.

(Crime No.Not Known of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent in Crime No.Not Known of 2022 pending investigation on the file of the respondent.

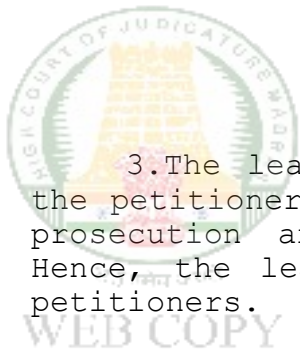
For Petitioners : Mr.A.Mohan

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323, 506(ii) of IPC in Cr.No.Not Known of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainants and the petitioners are neighbors and there was a wordy quarrel between the petitioners and the defacto complainant regarding land dispute, due to which, the petitioners abused the defacto complainants, assaulted them with deadly weapons, threatened them with dire consequences and caused injuries on them. Hence, the complaint.



3.The learned counsel appearing for the petitioner 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) on instructions submits that the injured has discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are directed 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 Court, Ambattur 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, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the 1st and 3rd petitioners shall report before the respondent police on every Saturday at 10.30a.m., for a period of four weeks and thereafter as and when required for an interrogation and 2nd, 4th and 5th petitioners shall report before the respondent police as and when required for an interrogation 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 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;



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

-sd/-

01/02/2022

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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 COURT,
AMBATTUR.

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

3 THE INSPECTOR OF POLICE,
KORATTUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 CC to M/S.A.MOHAN Advocate on payment of necessary charges
SR.NO.1534

CRL OP.2044/2022

Date :01/02/2022

INBA~09/02/2022