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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2293 of 2022

1. C.Ram Nivas
2. Chinnasami
3. Tamil Selvi

...Petitioners

Vs.

The State Rep by
Inspector of Police
Poolampatti Police Station,
Salem District.
(Crime No.14 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in crime No.14 of 2022, on the file of Inspector of Police, Poolampatti Police Station, Salem District.

For Petitioners : Mr.Ali Hassan Khan

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 and 506(2) of IPC in Cr.No.14 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant with regard to repair the damaged water pipe, due to which, the petitioners abused them in filthy language, assaulted them with iron rod and criminally intimidated them and caused injuries on them. Hence, the complaint.

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. He further submits that there was a case in counter. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl side) on instructions submits that there was a case in counter. 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 there was a case in counter, 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 District Munsif-Cum-Judicial Magistrate, Edappadi 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 first petitioner shall report before the respondent police on every Saturday at 10 a.m., for a period of four weeks and thereafter as and when required for an interrogation and second and third petitioners being a Senior Citizens shall report before the respondent police as and when required for an 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 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/-

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF - CUM-
JUDICIAL MAGISTRATE, EDAPPADI.

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

3 THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S S.LAKSHMIPATHY Advocate on payment of necessary
charges SR.NO.1654

CRL OP.2293/2022

Date :02/02/2022

INBA~10/02/2022