



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2198 of 2022

1.S.Padaikathu
2.D.Sellapillai
3.S.Priya

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Kunnam Police Station,
Kunnam, Perambalur District.
(Crime No.34 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of their
arrest by the respondent police concerned in crime No.34 of 2022, on
the file of the respondent Police.

For Petitioners : Mr.P.Damodaran

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

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 506 (ii)
and 307 of IPC, in Crime No.34 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute
between the petitioners and the de facto complainant, as a result of
which, the petitioners are said to have attacked the de facto
complainant.

3. The learned counsel for the petitioners would submit that the
petitioners have not committed any offence as alleged by the
prosecution. Accordingly, he prays for anticipatory bail to the
petitioners.



4. The learned Additional Public Prosecutor submits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the investigation is almost completed, 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 his 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 cum District Munsif Court, Kunnam, Perambalur District, on condition that the petitioner 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter 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.

WEB COPY

-sd/-
01/02/2022

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,
CUM DISTRICT MUNSIF COURT,
KUNNAM, PERAMBALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION, PERAMBALUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.DAMODARAN Advocate on payment of necessary charges
SR.NO.1599

CRL OP.2198/2022

Date :01/02/2022

JPA 07/02/2022