



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2613 of 2022

1. Palanisamy
2. Muthumani
3. Valliyathal

... Petitioners

Versus

State Rep by
The Inspector of Police,
Alangiyam Police Station,
Tiruppur Distirct.
(Crime No.26 of 2022)

... 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.26 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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

Order

The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324, 506(ii) of IPC in Cr.No.26 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that already there was dispute between the family members of the petitioners and the defacto complainant regarding sharing of well water. While so, on the date of occurrence, when the defacto complainant was drawing water from the well, the petitioners abused in filthy language and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He



further submitted that there is a case in counter registered against the defacto complainant and also that the 1st petitioner sustained injury in the quarrel. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that when the defacto complainant was drawing water from the well, the petitioners abused in filthy language and assaulted the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is a case in counter registered against the defacto complainant, 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, Dharapuram on condition that the petitioners shall execute a bond 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 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.

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-sd/-
04/02/2022

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.2613/2022

Date :04/02/2022

JPA 10/02/2022