



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11028 of 2022

1 ALAGESAN [PETITIONERS / ACCUSED]
2 SRIDHAR A
3 MURTHY @ KRISHNAMURTHY P
4 SHANMUGAM A
5 NEELAMPAL S

Vs

STATE REP BY
THE INSPECTOR OF POLICE, [RESPONDENT]
MOLASI POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.52 OF 2022.

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.M.GURU PRASAD, ADVOCATE

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 506(ii) and 307 IPC, in Crime No.52 of 2022, on the file of respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is already a land dispute between the defacto complainant and the second petitioner and a case is pending before the Court. While so, on 04.05.2022, at 21:00 hours, when the petitioners laying path in the disputed land, the defacto complainant and her husband prevented them and also asked them why they are laying the path when the case is in the Court. At that juncture, the petitioners are alleged to have abused and assaulted the defacto complainant, her husband and also their son, who came there to prevent it. Hence, the complaint. In the same course, counter complaint has also been lodged by the petitioners, in which the defacto complainant is an accused in Crime No.53 of 2022 for the offences under Sections 147, 148, 294(b), 324, 506(ii) of



3. Learned Counsel appearing for the defacto complainant would submit that it is not an usual case, since all the accused persons have attacked the defacto complainant brutally with deadly weapons, due to which, he sustained grievous injuries and also photographs of the same was produced before this Court. Hence, he opposed to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor appearing for respondent would submit that the injured was initially admitted in the hospital after the occurrence and he was discharged from the hospital on 16.05.2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances that the dispute is civil in nature, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, who shall be blood relatives of petitioners, 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 1 to 4 shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation and the 5th respondent shall report 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104.

4 THE INSPECTOR OF POLICE
MOLASI POLICE STATION,
NAMAKKAL DISTRICT.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, DHARMAPURI.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.7249

CRL OP.11028/2022

Date :18/05/2022

SRG 19/05/2022