



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25793 of 2021

WEB COPY

1.Prakash @ Pirakash
2. Akash @ Ahash

.. Petitioners

Vs.

The State Rep.by
The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
Crime No.984 of 2021

...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.984 of 2021 on the file of the respondent police.

For Petitioners: Mr.J.Jawahar

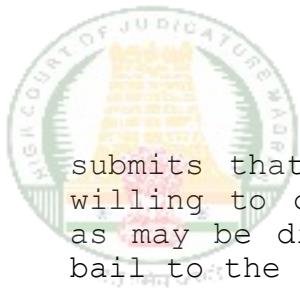
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

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(2) of IPC in Crime No.984 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the petitioners and defacto complainant with regard to the construction of house in the adjacent land, due to which, the petitioners abused him with filthy languages, assaulted him with knife and wooden log, threatened him with dire consequences and caused injuries on him. Hence the complaint.

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



submits that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.5,000/- to any Charitable Purpose as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) submits that there was land dispute between the parties, the present petition has been filed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Nannilam, Thiruvavur, 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 are directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Legal Service Authority, Chennai within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

(b)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;

(c)the petitioners shall report before the respondent police shall report before the respondent police on every Wednesday at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) 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]; and;

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

-sd/-

03/01/2022

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

CC to M/S J.JAWAHAR Advocate on payment of necessary charges

CRL OP.25793/2021

Date :03/01/2022

RW 07/01/2022