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Crl.O.P.No.31539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31539 of 2024

Chithradevi
wife of Muthusamy, 142 PULIYAMVALASU
RETTARAVASU-638661 Dharapuram Taluk
TIRUPPUR DISTRICT and another.

Petitioner(s)

Vs

The State Rep By
THE INSPECTOR OF POLICE, MOOLANUR
POLICE STATION, TIRUPPUR DISTRICT In Cr No
402/ 2024

Respondent(s)

For Petitioner(s):

Rajasekar M
P Kalimuthu
N Gokila

For Respondent(s):

Public Prosecutor

ORDER

The petitioners/ A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 118(1) of BNS in Crime No.402 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the defacto complainant one Sivalingam is that, on 04.12.2024, around 15:30 hours, due to a pathway and property dispute, the petitioners herein along with other accused came to the defacto complainant's land, abused and assaulted the defacto complainant using sickle and threatened him with dire consequences, thereby the defacto complainant sustained grievous injuries and admitted at Government Hospital, Dharapuram. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the defacto complainant. He would further submit that the defacto complainant and the petitioners are relatives, due to pathway and family property dispute between them, there arose wordy quarrel and both parties exchanged blows, due to which, a false complaint has been lodged by the defacto complainant. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the



respondent police opposed for granting anticipatory bail to the petitioners, stating that, due to family property dispute between the parties, the petitioners along with other accused trespassed into the defacto complainant's land, abused and assaulted the defacto complainant using sickle, thereby the defacto complainant sustained injuries and admitted in hospital. He also submitted that the co-accused was granted bail in Crl.O.P.No.31046 of 2024 and the petitioners herein have no previous case, further the injured also discharged from the hospital.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering that there is no previous case as against the petitioners and the co-accused was granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Dharapuram** on condition that the petitioners shall execute a separate 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 Magistrate 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 everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30a.m., until further orders.

[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



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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 269 of B.N.S.

18.12.2024

stn

To

1. The State Rep By
THE INSPECTOR OF POLICE, MOOLANUR POLICE
STATION, TIRUPPUR DISTRICT In Cr No 402/ 2024



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A.D. JAGADISH CHANDIRA, J.

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