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Crl.O.P.No.31601 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. 31601 of 2024

P. Palaniappan
S/o periyagoundar No.78/249,kattukottaiy,
Oorandivalasu,Arasanatham, Attur,Salem District
and others

Petitioner(s)

Vs

The State Represented by, THE INSPECTOR OF
POLICE
Malliyakarai Police Station, Salem District

Respondent(s)

For Petitioner(s):

K R Samratt
R.Karthikeyan
S.Nithieshvar

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.140 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that, when the petitioners herein were clearing the unnecessary plants in the public nilaviyal pathway, the defacto complainant questioned the same, thereby, there arose wordy quarrel, due to which, the defacto complainant was abused and assaulted with farming tools. Further, the defacto complainant was threatened with dire consequences by the petitioners herein. 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 prosecution. He would further submit that on 06.12.2024, while the petitioners ventured to remove the unwanted stones on the levelled pathway, so as to make it motorable for the local people and villagers, the defacto complainant and other persons came to the spot and abused the petitioners using filthy language and attacked the petitioners using iron rods, thereby the petitioners sustained injuries and a case was also registered against the defacto complainant and other persons in Crime No.139 of 2024 on the file of the respondent police. 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.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners, stating that, due to a pathway dispute, wordy quarrel arouse between the parties, thereby, the petitioners abused and attacked the defacto complainant using farming tools. He also submitted that a case in counter is also registered by the petitioners herein against the defacto complainant, further the injured has been discharged from the hospital and the petitioners have no previous case.

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 the petitioners have no previous cases, 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 Judicial Magistrate Court No.II, Attur** 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., 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 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



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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 Represented by, THE INSPECTOR OF
POLICE
Malliyakarai Police Station,
Salem District

A.D. JAGADISH CHANDIRA, J.



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