

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Crl. O.P. Nos.8021 and 8022 of 2020

Kesavan  
S/o.Subramaniyan  
No.112, North street  
Peraiyur Village  
Mannarkudi Taluk  
Thiruvavarur District.

.. Petitioner/1st Accused in  
(Crl.O.P.No.8021 of 2020)

Devi  
W/o.Kesavan  
No.112, North street  
Peraiyur Village  
Mannarkudi Taluk  
Thiruvavarur District.

.. Petitioner/2nd Accused in  
(Crl.O.P.No.8022 of 2020)

Vs.

State rep. by  
Inspector of Police,  
Vaduvoor Police Station  
Tiruvavarur District.  
(Crime No.426 of 2020)

.. Respondent/Complainant  
in both Crl.O.Ps.

**Prayer:** Criminal Original Petitions filed for anticipatory bail under Section 438 of Criminal Procedure Code.

In both Crl.O.Ps.

For Petitioners : Mr.M.Vinoth

For Respondent : Mr. M. Jothikumar  
Additional Public Prosecutor

**COMMON ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.426 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there is a dispute between the petitioners and defacto complainant with regard to taking water in the well. On 09.05.2020, when the defacto complainant was returning from his field after watering his land, the petitioners picked up quarrel, abused him in filthy language and attacked him with spade. The defacto complainant was admitted in Mannargudi Government Hospital. On complaint, a case has been registered for the offence under Sections 294(b), 324 and 506(ii) IPC.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. On

the date of occurrence, only the defacto complainant picked up quarrel with the petitioners and no such occurrence as alleged by the prosecution has been occurred on that date. The petitioners are innocent. The learned counsel further submitted that the petitioners are willing to furnish sureties and will abide by any condition that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that due to dispute between the petitioners and defacto complainant in taking water from the well, the petitioners attacked the defacto complainant, abused him in filthy language and threatened him with dire consequences. The defacto complainant is discharged from the hospital. The investigation is pending and hence, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts, nature of allegations made

against the petitioners and the defacto complainant is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this common order before the Court of Judicial Magistrate No.I, Mannargudi, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 concerned Judicial Magistrate, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii) the petitioners shall not abscond either during investigation or

trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, both the Criminal Original Petitions are allowed.

29.05.2020

Index : Yes / No

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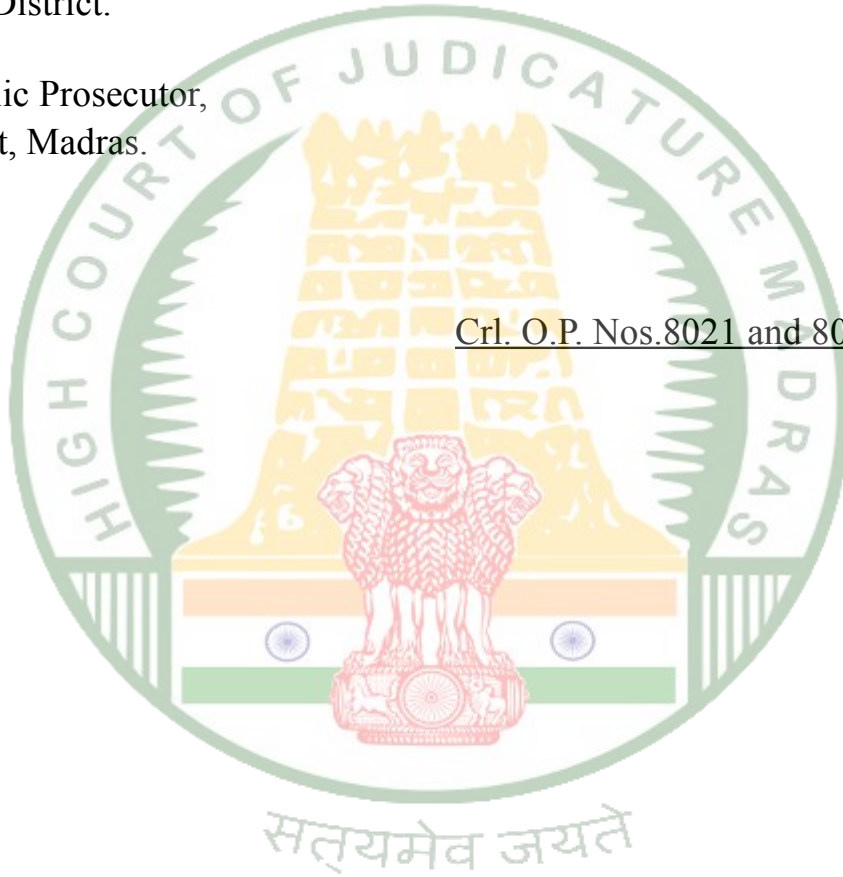
**V.M.VELUMANI, J.,**

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To

1.The Inspector of Police  
Vaduvoor Police Station  
Tiruvarur District.

2.The Public Prosecutor,  
High Court, Madras.



Crl. O.P. Nos.8021 and 8022 of 2020

29.05.2020

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