

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21579 of 2018

1 GURUSAMY
2 RAMASAMY
3 GOBAL

[PETITIONERS / ACCUSED]

vs

STATE, REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VELLITHIRUPPUR POLICE STATION,
ERODE DISTRICT.
CR. NO. 180 OF 2018.

For Petitioner : M/S.V.VIJAYAKUMAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offences under Sections 294(b), 448, 427 and 506(i) of IPC in Crime No.180 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners trespassed into the house of the defacto complainant and damaged his house hold articles.

3. The learned counsel appearing for the petitioners would submit the petitioners had not committed any offence as alleged by the prosecution and a false case has been foisted against them.

4. The learned Government Advocate(crl.side) would submit that the damage has not been assessed in this case and that investigation is pending.

5. Considering the nature of allegations against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the Judicial Magistrate No.II, Bhavani, on condition that the petitioners shall execute a 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.2,000/- (Rupees two thousand only) to the credit of Crime No.180 of 2018 at the time of executing the bond before the learned Magistrate.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate 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 daily at 10.30 a.m. until further orders.

(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/-

06/09/2018

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,
NO.II, BHAVANI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE,
VELLITHIRUPPUR POLICE STATION,
ERODE DISTRICT.

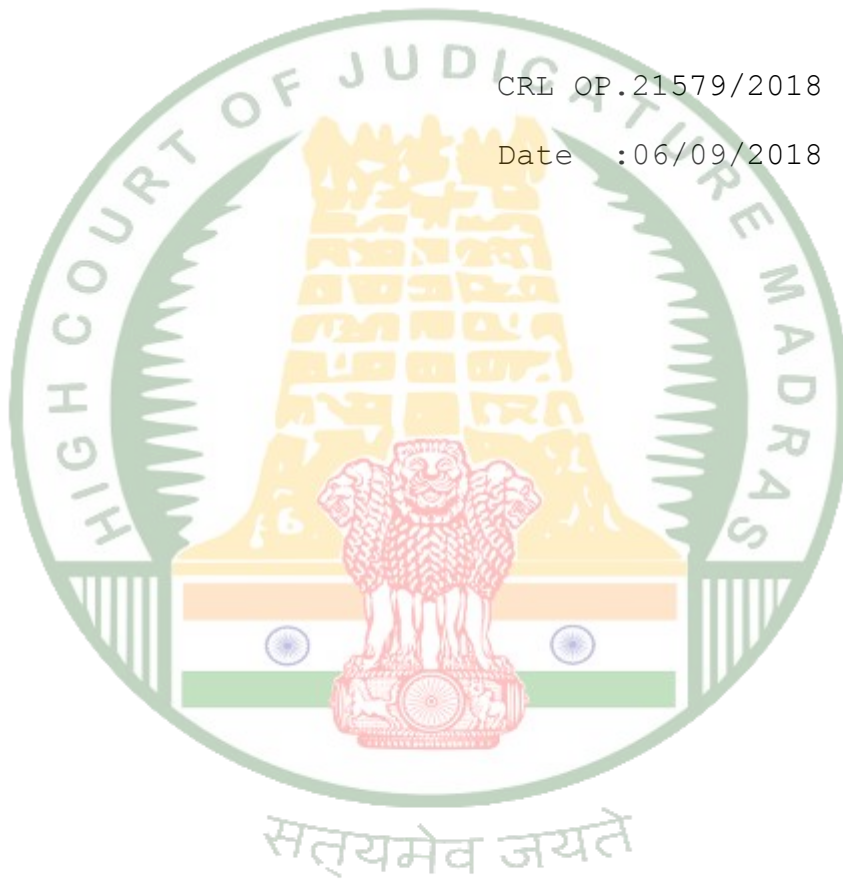
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.VIJAYAKUMAR Advocate on payment of necessary
charges in SR.NO. 17057

CRL OP.21579/2018

Date :06/09/2018

MLT-12/09/2018



WEB COPY