

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13490 of 2018

1 BALAJI
2 SARALA
3 MURUGAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
AVALUR POLICE STATON,
VELLORE DISTRICT.
CR.NO. 85 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.SAIRAMAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 427 and 506 (i) of IPC in Crime No.85 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the defacto complainant and the petitioners, resulted in registration of case against the petitioners.

3.The learned counsel appearing for the petitioners has submitted that the defacto complainant is the neighbour and due to dispute over the irrigation of lands, the defacto complainant gave a false complaint. He further submitted that the petitioners have not committed any offence and hence he has requested to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have trespassed the land of the defacto complainant and caused damages to the plantain trees, worth about Rs.7000/- and hence she strongly opposed this petition.

5.Taking into consideration that the dispute is pending with regard to the irrigation of the lands between the petitioner and the

defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 learned Judicial Magistrate No.1, Wallajpet, Vellore District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) **the petitioners should jointly deposit the sum of Rs.7,000/- before the Judicial Magistrate No.1, Wallajpet, Vellore District.**

(ii) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

-sd/-
23/05/2018

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.I, WALAJAPET, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVALUR POLICE STATON,
VELLORE DISTRICT.

+1CC to M/S.S.SAIRAMAN Advocate on payment of necessary charges
SR NO.9391

CRL OP.13490/2018

Date :23/05/2018

MK:25/05/2018