

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15153 of 2018

1 A.MUSTAQ,
2 DHULSATH,
3 NOORAN,

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
AMBUR, VELLORE DISTRICT.
CR. NO.141 OF 2018.

[RESPONDENT]

For Petitioner : M/S.PA.SUDESH KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.141 of 2018 registered by the respondent police for the offence under Sections 294(b), 447, 427 and 506(i) of IPC.

2. The case of the prosecution as per the *defacto* complainant is that due to land dispute, the petitioners abused him with filthy language and also threatened the *defacto* complainant with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that there was a civil dispute pending between the petitioners and the *defacto* complainant in respect of a property, due to which, a false complaint has been given against them.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to land dispute, the petitioners abused the *defacto* complainant with filthy language and also criminally intimidated. He would further submit that nobody sustained injury in this case.

5. Taking into consideration the facts of the case and the

submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following 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 ADM-cum-Judicial Magistrate, Ambur, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30.a.m for a period of two weeks and thereafter, as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent as and when required.

[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 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 229-A IPC.

-sd/-
12/06/2018

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 ADDL. DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
AMBUR, VELLORE DISTRICT.

+1 CC to M/S.PA.SUDESH KUMAR Advocate on payment of necessary
charges-Sr.10491

CRL OP.15153/2018

Date :12/06/2018

ths : 19.06.2018