

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16759 of 2018

1 T.SIVAN
2 T.SURESH
3 G.MURUGESAN
4 V.MURUGAN

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
SOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT
CR.NO.199 OF 2016.

[RESPONDENT]

For Petitioner : M/S.A.BALAMURUGAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL 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 PRC No.3 of 2018 pending on the file of the learned Judicial Magistrate-I, Hosur for offences punishable under Sections 147, 148, 447, 294(b), 506(ii) and 379 (NP) of IPC R/W Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act.

2. The learned counsel for the petitioners would submit that the allegation against the petitioners is that the petitioners along with other accused unlawfully assembled, trespassed into the defacto complainant's property, abused him with filthy language and also criminally intimidated him. He would submit that the respondent had completed the investigation and filed the final report and the matter is taken on file in PRC.No.3 of 2018 pending committal on the file of the concerned Judge and would pray grant of anticipatory bail. He would also submit that this Court, by an order dated 05.07.2016 in Crl.O.P.No.13882 of 2016 was pleased to grant anticipatory bail with the direction that the petitioners shall deposit Rs.15,000/- each to the credit of Crime No.199 of 2016 on or before 15.07.2016 and that thereafter, the petitioners sought for extension of time in Crl.M.P.No.7666 of 2016, wherein, this Court was also pleased to extend the time by further period of two weeks to comply with the earlier order, however, the petitioners have not surrendered and that now the investigation has been completed and

final report has been filed.

3. The learned Additional Public Prosecutor would submit that the petitioners were earlier granted anticipatory bail with the condition to deposit Rs.15,000/- each to the credit of Crime No.199 of 2016 and the petitioners were also directed to report before the respondent every day at 10.30.a.m., and 5.30.p.m until further orders. He would submit that the petitioners have not complied with the earlier order dated 05.07.2016 and thereby, now they approached this Court after the final report has been filed and summons have been issued by the learned Magistrate. He would further submit that though the petitioners have been granted anticipatory bail as early as on 05.07.2016, they have not complied with the order and even after extension of time granted in Crl.M.P.No.7666 of 2016, they have not complied with the order.

4. The petitioners have been granted anticipatory bail with condition on 05.07.2016 and it had been further extended by a period of two weeks. Having approached this Court and obtained orders, the petitioners are duty bound to respect the Courts and strictly obey the orders. The petitioners cannot consider the orders of this Court lightly and cannot act according to their whims and fancies. This Court deprecates the attitude of the petitioners, however, since now the investigation has been completed and the final report has been filed and the summons have been issued, this Court feels that anticipatory bail can be granted by imposing some stringent conditions and costs on them.

5. 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-I, Hosur, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.199 of 2016 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] each of the petitioner shall pay the cost of Rs.5,000/- (Rupees Five Thousand only) to the concerned Taluk Legal Services Authorities.

[d] 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.

[e] the petitioners shall report before the respondent police daily at 10.30.a.m, until further orders.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during investigation or trial.

[h] 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]**.

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/07/2018

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE OFFICER INCHARGE,
TALUK LEGAL SERVICES AUTHORITY,
KRISHNAGIRI.

+1CC to M/S.A.BALAMURUGAN Advocate on payment of necessary
charges SR NO.12161

CRL OP.16759/2018

Date :02/07/2018

MK:10/07/2018