

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16892 of 2018

1 RAVICHANDRAN
2 MURUGESAN
3 MANI @ VEERAMANI,
4 MAHALINGAM

[PETITIONERS / ACCUSED]

Vs

1 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT
CR.NO.168 OF 2018.

[RESPONDENT]

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : M/S 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 Crime No.168 of 2018 registered by the respondent police for the alleged offence punishable under Sections 147, 294(b) IPC and under Section 4 of TNPWH Act and 3(1) of TNPPDL Act.

2. The case of the prosecution as per the defacto complainant is that the petitioners trespassed into her house and abused her with filthy language and assaulted her and caused damages to the house hold articles and two wheeler.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and a dispute is pending between them due to which, a false complaint has been give against them. He would also submit that the major part of the investigation is over. He would also further submit that without causing prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.10,000/- each to the credit of Crime No.168 of 2018. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioners along with other accused trespassed into the house of the defacto complainant and abused her with filthy language and also assaulted her and caused damages to the house hold article and two wheeler.

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 Judicial Magistrate, Valangaiman, 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] 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] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.168 of 2018 without prejudice to their defence;

[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]**.

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

-sd/-
06/07/2018

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
VALANGAIMAN, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR, [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT

+1CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 12480

CRL OP.16892/2018

Date :06/07/2018

CM-11/07/2018