

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6188 of 2020

1 GOPALAKRISHNAN [PETITIONERS / ACCUSED]
2 BABU @ ANANDA BABU
3 MURUGAN @ MURUGESAN
4 PALANISAMY

Vs

STATE REP. [RESPONDENT]
THE INSPECTOR OF POLICE,
AANAIMALAI POLICE STATION,
COIMBATORE.
CRIME NO. 78 OF 2020

For Petitioner : M/S. M.N.BALAKRISHNAN 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 :-

Apprehending arrest at the hands of the respondent police for alleged offences punishable under sections 147, 427, 447 and 506 (i) of IPC., in Cr.No.78 of 2020, the petitioners/A.1 to A.4 have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that, the petitioners/A.1 to A.4 who are the adjacent land owners of the defacto complainant cut 19 Teak and 3 other variety Timber Trees situated in the common pathway. Further, the petitioners have criminally intimidated the defacto complainant. Hence, the present case has been foisted against the petitioners/A.1 to A.4.

3.According to the learned counsel for the petitioners, the first petitioner has got share in the common pathway and in respect of the same, already a civil suit in O.S.No.448 of 2017 is pending between the parties before the learned District Munsif Court, Pollachi.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5.The learned Additional Public Prosecutor has not raised any serious objection to grant anticipatory bail to the petitioners as the dispute between the parties is civil in nature.

6.Having regard to the fact that the dispute pending between the parties is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners. 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 on which the order copy made ready, before the learned Judicial Magistrate No.1, Pollachi, on condition that each of 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

-sd/-

18/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AANAIMALAI POLICE STATION,
COIMBATORE.

+1CC to M/S. M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR NO.5550

CRL OP.6188/2020

Date :18/03/2020

MK:24/03/2020



WEB COPY