

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos.8018 and 8019 of 2020

Rajkumar
S/o.Jothi prakasam
Stalin street
Valivodai village
Mannargudi Taluk
Tiruvarur District.

.. Petitioner/1st Accused in
(Crl.O.P.No.8018 of 2020)

Ramkumar
S/o.Jothi prakasam
Stalin street
Valivodai village
Mannargudi Taluk
Tiruvarur District.

.. Petitioner/2nd Accused in
(Crl.O.P.No.8019 of 2020)

सत्यमेव जयते
Vs.

State rep. by
Inspector of Police,
Thalayamangalam Police Station
Tiruvarur District.
(Crime No.13 of 2020)

.. Respondent/Complainant
in both Crl.O.Ps.

Prayer: Criminal Original Petitions filed for anticipatory bail under Section

438 of Criminal Procedure Code.

In both Crl.O.Ps.

For Petitioners : Mr.M.P.Yuvaraj
for Mr.Swami Subramanian

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 341, 294(b) and 506(i) IPC read with Section 3(1) of TNPPDL Act in Crime No.13 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 17.03.2020 at 11.30 p.m., the petitioners and other accused persons trespassed into the house of the defacto complainant by damaging the fencing, abused him in filthy language, caused damage to the articles, front and back doors of the defacto complainant's house and threatened him with dire consequences. On hearing the noise, the neighbours came to the house of the defacto complainant and the accused persons escaped threatening the defacto complainant and his neighbours with dire consequences. The petitioners and other accused persons caused damage

to the properties of the defacto complainant to the tune of Rs.10,000/-. On complaint, a case has been registered for the offence under Sections 341, 294(b) and 506(i) IPC read with Section 3(1) of TNPPDL Act.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in the case by the defacto complainant with ulterior motive. The petitioners will not abscond and they undertake to co-operate with the investigation. The learned counsel on instructions, further submitted that the petitioners are ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime No.13 of 2020 before the learned Judicial Magistrate No.II, Mannargudi, Tiruvarur District and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners and other accused persons trespassed into the house of the defacto complainant, damaged the properties of the defacto complainant, abused him in filthy language and threatened him with dire consequences. On complaint, the case has been registered. The

investigation is pending and hence, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the nature of alleged offence and date of occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this common order before the Court of Judicial Magistrate No.II, Mannargudi, Tiruvarur District, on condition that each of the petitioners 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 concerned Judicial Magistrate, failing which, the petitions for anticipatory bail shall stand dismissed and on further

condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.13 of 2020 before the learned Judicial Magistrate No.II, Mannargudi, Tiruvarur District, within a period of two weeks from the date of receipt of a copy of this order.

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(v) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560**

(P.K. Shaji vs. State of Kerala) and

(vi) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, both the Criminal Original Petitions are allowed.

Index : Yes / No
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29.05.2020

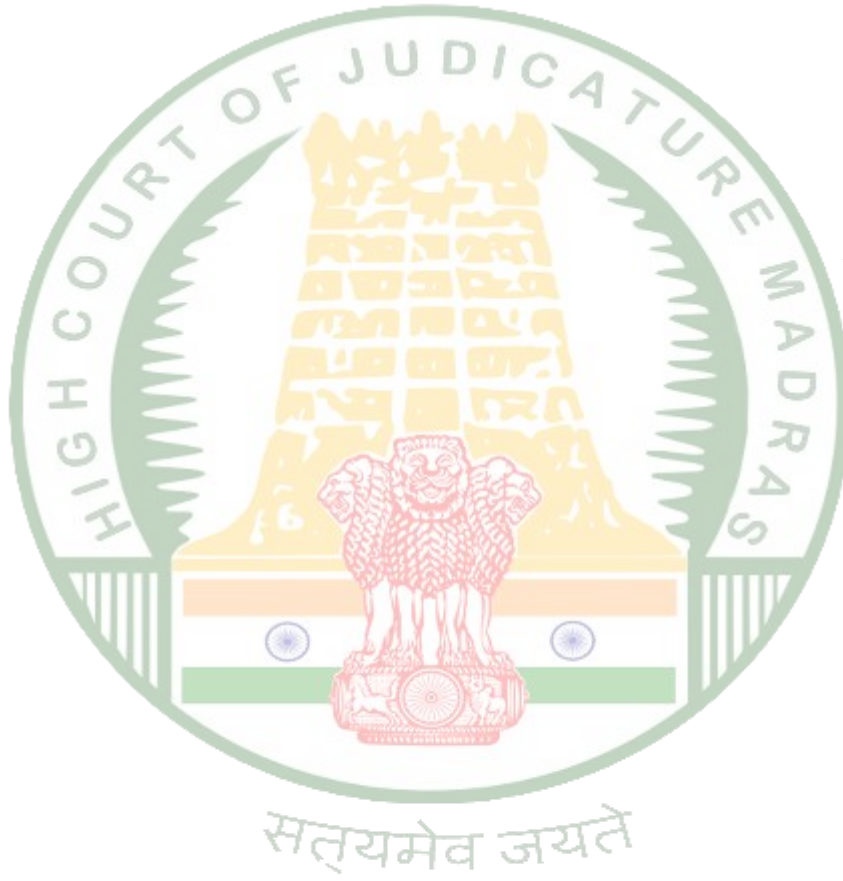
V.M.VELUMANI, J.,

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To
1. The Inspector of Police
Thalayamangalam Police Station
Tiruvarur District.

2. The Public Prosecutor,
High Court, Madras.

Crl. O.P. Nos.8018 and 8019 of 2020



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