

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CRL. O.P. No.8737 of 2020

1.Mathappan
2.Gunasekaran

... Petitioners/Accused No.1&2

-Vs-

The State Rep. By ... Respondent /Complainant
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No. 362/2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on Anticipatory bail in the event of arrest in Crime No. 362 of 2020 on the file of the Respondent and thus render Justice.

For Petitioners : Mr. M. Subash

For Respondents : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323, 324, 341, 447 and 506(ii) of IPC in Crime No. 362/2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had a property dispute with the defacto complainant and on the date of incident, the accused persons had trespassed into the property and abused and intimidated the defacto complainant and caused him simple injuries.

3. The learned Additional Public Prosecutor on instructions submitted that the injured persons have been discharged from the hospital and there are no previous case against the petitioners.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. 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, Mettur, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties each for a like sum to the satisfaction of 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 condition 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.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

16/06/2020

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.1,
METTUR,

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

CC to M/S.M.SUBASH Advocate on payment of necessary charges

CRL OP.8737/2020

Date :16/06/2020

TA-09/09/2020



WEB COPY