

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9214 of 2020

1. Sathiamoorthy
2. Chandra
3. Suresh
4. Ramesh
5. Karunakaran
6. Ajith Kumar
7. Venkatesan
8. Parandaman

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam,
Ranipet District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioners in the event of their arrest in connection with Crime No.315 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Balasubramaniam

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 427, 506(i) and 379 of IPC in Crime No.315 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners 1 to 4 are the relatives to the defacto complainant and it is a land dispute. Due to wordy quarrel the petitioners damaged the tractor of the defacto complainant worth Rs.20,000/- and other agricultural articles. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the complaint and FIR is false and hypothetical. He would further submit the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that to prove their bonafide, the petitioners are ready and willing to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of crime No.315 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there is a land dispute between the petitioners and the defacto complainant, due to which the petitioners damaged the tractor of the defacto complainant worth Rs.20,000/- and other agricultural articles worth Rs.10,000/-. He would further submit that already there is a case in counter.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.20,000/- jointly (Rupees Twenty Thousand only) to the credit of Crime No.315 of 2020 within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Arakkonam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 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 deposit a sum of Rs.20,000/- jointly (Rupees Twenty Thousand only) to the credit of Crime No.315 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

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

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/06/2020

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,
ARAKKONAM.

2 THE PRINCIPAL SESSIONS JUDGE
VELLORE DISTRICT, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
ARAKKONAM, RANIPET DISTRICT.

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

CRL OP.9214/2020

Date :23/06/2020

cs 24/07/2020