

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 26.06.2020**

**CORAM:**

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**CRL.O.P.NO.9379 of 2020**

1. M.Muthumani,  
S/o, Masanimuthu,  
3/178, Kandithoppu,  
Nallampalli,  
Pollachi,  
Coimbatore District.

2. Malarmani  
W/o, Balamurugan,  
118-B, Madhampatti Road,  
Thondamuthur,  
Coimbatore District.

Vs.

... Petitioners

The State rep by  
The Inspector of Police,  
Gomangalam Police Station,  
Coimbatore District.

... Respondent

**Prayer** : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.558 of 2020 on the file of the respondent police. .

For Petitioners : Mr.M.N.Balakrishnan

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

\* \* \* \* \*

## ORDER

The Petitioners who are apprehending to arrest by the respondent police for the offences punishable under Sections 294(b), 506(ii) of IPC r/w. sec.3(1) Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1984 in Crime No.558 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 18.06.2020, the petitioners damaged the irrigating pipes which was laid underground and also abused the defacto complainant in filthy language and intimidated with dire consequences to withdraw the complaint given by the defacto complainant as against the petitioners. Hence the complaint.

3. The learned counsel for the petitioners would submit that there was a enmity between the petitioners and the defacto complainant and there was a quarrel between them in respect of irrigating the land. Therefore, a false

complaint has been lodged as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. Mr.G.Karthikeyan, learned counsel for the defacto complainant/intervener has submitted that already there was a complaint lodged as against the petitioners by the defacto complainant in which the police filed a report and the same has been taken cognizance. Therefore, they threatened the defacto complainant to withdraw the said complaint and also threatened not to depose against them. In this regard, they also damaged the pipelines which laid underground for irrigating the land belonging to the defacto complainant to the tune of Rs.2,000/-. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has submitted that the petitioners damaged the pipeline which was underlaid for the purpose of irrigating the land belonging to the defacto complainant to the tune of Rs.2,000/-. Hence he opposed the grant anticipatory bail to the petitioners.

6. It is seen that the petitioners are A1 and A2. The allegations against them are that they damaged the pipeline which was laid underground for the purpose of irrigating the land belonging to the defacto complainant to the tune of Rs.2,000/-. It is also seen that already there was a complaint as against the petitioners in which the defacto complainant is the eye witness. The petitioners threatened him to depose in favour of the petitioners before the trial court.

7. Considering the facts and circumstances of the case, 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.5,000/- (Rupees Five thousand only) jointly to the credit of Crime No.558 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 No.II, Pollachi, on condition that each of the petitioners shall execute a separate 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 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.5,000/- (Rupees Five thousand only) jointly to the credit of Crime No.558 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 first petitioner 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 and the second petitioner shall appear before the respondent police 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.

[j] Further the defacto complainant/intervenor is at liberty to approach the concerned court to cancel the bail granted to the petitioners on the earlier complaint lodged by the defacto complainant, in which the defacto complainant is the eye witness.

7. Accordingly, this Criminal Original Petition is ordered.

WEB COPY

26.06.2020

Internet: Yes/No

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To

1. The Judicial Magistrate No.II,  
Pollachi.
- 2.The Inspector of Police,  
Gomangalam Police Station,  
Coimbatore District.
- 3.The Public Prosecutor,  
High Court, Madras.



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