

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9911 of 2020

- 1.Venkit @ Venkatachalapathy (M/52)
S/o.Thayumana Thevar,
No.48, Thenpuram, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 2.Mohan @ Mohankumar (M/54),
S/o.Thayumana Thevar,
No.41A, Thenpuram, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 3.Kumar (M/43),
S/o.Krishnasamy,
No.27, Settiyakadu, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 4.Sudhakar (M/26)
S/o.Kalimuthu,
No.44A, Settiyakadu, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 5.Break @ Prakash (M/26)
S/o.Kalimuthu,
No.24C, Settiyakadu, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 6.Ramkumar (M/21)
S/o.Ramalingam
No.54A, Settiyakadu, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 7.Dass @ Mohandass (M/18)
S/o.Kumar,
No.27, Settiyakadu, Kailavanampettai,
Vedaranyam Taluk,
Nagapattinam District - 614 810.
- 8.Kalimuthu (M/52)
S/o.Thampusamy Thevar,
No.24C, Settiyakadu, Kailavanampettai,

Vedaranyam Taluk,
Nagapattinam District - 614 810.
Petitioners

...

Vs.

State Rep. by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
Crime No.760 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioners in the event of
arrest in Crime No.760 of 2020 now pending investigation on the file
of the respondent.

For Petitioners : M/s.K.V.Law Firm

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 offences punishable under Sections 147, 294
(b), 427, 436, 506(2) of IPC in Crime No.760 of 2020, seek
anticipatory bail.

2. The case of the prosecution is that the de-facto
complainant's daughter was married to another community boy, which
was an arranged one. It was questioned by the relatives of the de-
facto complainant namely accused persons and also abused him with
filthy language and set fire to the house of the de-facto complainant
and caused damage to the tune of Rs.50,000/- to the complainant.
Hence, the complaint.

3. The learned counsel for the petitioners would submit that in
respect of inter caste marriage there was a Panchayat, in which the
petitioners were also participated. During the said Panchayat, there
was a wordy quarrel between them and never committed the set fire to
the house of the de-facto complainant and no damage was caused by the
petitioners. He would further submit that due to previous enmity, a
false complaint has been foisted against the petitioners. Therefore,
he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that
the de-facto complainant arranged inter caste marriage for his
daughter. Therefore, it was questioned by the relatives of the de-
facto complainant and they set fire to the house of the de-facto
complainant. Thereby, they caused damage to the house property of
the de-facto complainant to the tune of Rs.50,000/-. Hence he
vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the petitioners are relatives of the de-facto
complainant who belong to the same community. When the de-facto
complainant arranged marriage for his daughter with a boy belong to
the some other community and it was questioned by the petitioners.
Therefore, the petitioners have set fire to the house of the de-facto

complainant and caused damage to tune of Rs.50,000/-.

6. 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.1,00,000/- (Rupees one lakh only) jointly to the credit of Crime No.760 of 2020, within a period of two 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 Vedaranyam, Nagapattinam District, 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 one of the surety shall be a blood relative of each of the petitioners 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.1,00,000/- (Rupees one lakh only) jointly to the credit of Crime No.760 of 2020, before the concerned Magistrate, within a period of two 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/-
02/07/2020

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,
VEDARANYAM, NAGAPATTINAM DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT

CC to M/S. KV LAW FIRM Advocate on payment of necessary charges

CRL OP.9911/2020

Date : 02/07/2020

RD 18/08/2020

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