

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10114 of 2020

1 Anandan

2 Padmavathi

3 Santhakumari

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.
(Cr. No.101 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.101 of 2018 on the file of the respondent police.

For Petitioners : Mr.A.P.Sathyamurthy

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, 427, 379 of IPC r/w Section 3 of TNPPD Act, in Crime No.101 of 2018, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners in the Month of April 2018, had entered into the premises of the defacto complainant and forcibly evicted them by causing damages to his belongings and also taken away the sewing machines of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution. In fact, the petitioners are owner of the property and the defacto complainant was tenant under them, when they requested to vacate the premises, the defacto complainant demanded money and the same was refused by the petitioners. Hence the defacto complainant lodged false complaint

against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there was property dispute between the parties and the petitioners damaged the sewing machine, clothes, iron box, etc., owned by the defacto complainant worth about Rs.1.00 lakh. He would further submit that there is no previous case pending against these petitioners. Hence he opposed to grant anticipatory bail to the petitioners.

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.1,00,000/- (Rupees one lakh only) jointly, to the credit of Crime No.101 of 2018, 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.I, Ponneri, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.1,00,000/- (Rupees one lakh only) jointly, to the credit of Crime No.101 of 2018, 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 four 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/-
03/07/2020

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 NO.I,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. A.P.SATHYA MURTHY Advocate on payment of
necessary charges

CRL OP.10114/2020

Date :03/07/2020

MK:17/08/2020