

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10536 of 2020

1.Jayamani
2.Selvarajan
3.Paneerselvam

... Petitioners/Accused 1 to 3

Vs.

The State represented by,
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners in the event of their arrest in Crime No. 407 of 2020, on the file of the respondent police.

For Petitioners: Mr.R.Krishna Prasad

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 363, 294(b), 506(ii) and 427 IPC in Crime No. 407 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the defacto complainant was in possession of a property and a civil case entered in his favour. Whiles, the accused attempted to illegally dispossess from the property and also abducted the father of the defacto complainant in a car and later left him out. During the occurrence, the petitioners/accused persons have also caused damage to the property of the defacto complainant.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that a suit was pending between the defacto complainant and the petitioners and that they have also succeeded in the civil suit. In order to defeat the right of the petitioners and to pressurise the petitioners to come for a settlement, a false complaint has been given against them. He would submit that in fact no such incident was happened. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant was in possession of property in respect of which, there was civil dispute, though, the petitioners have succeeded in the civil suit. Without following the due process of law, the petitioners/accused persons along with 22 other accused persons attempted to illegally dispossess the defacto complainant from the property and they have also abducted the father of the defacto complainant and thereafter left him out. During the occurrence they have caused damage to the property of the defacto complainant.

5 Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed to be released on bail in the event of their 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.I, Namakkal, on condition that the each petitioner 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 first and second petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation. The third petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police every Monday at 10.30 a.m., until further orders.

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

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

[e] 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].

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

8 With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/07/2020

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, NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. KRISHNA PRASAD.R Advocate on payment of necessary charges

CRL OP.10536/2020

Date :14/07/2020

RVR 03/09/2020

WEB COPY