

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12008 of 2020

1.K.Prabhu

2.P.Jeevanandan

3.R.Nadarajan @ Kutti Petitioners/Accused Nos.1 to 3

Vs.

The State represented by,
The Sub-Inspector of Police,
Ethappur Police Station,
Salem District.

(Crime No. 557 of 2020) Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest pending investigation in Crime No. 557 of 2020, on the file of the respondent police.

For Petitioners : Mr.A.Rajakumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 447, 427, 506(ii) of IPC, in Crime No.557 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioners and the defacto complainant are adjacent land owners and due to previous enmity, the petitioners have trespassed into the land of the defacto complainant and abused him in filthy language and cut and damaged the entire grown up banana grove. Hence, the complaint.

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 due to previous enmity. However, he would further submit that without prejudice to his contentions, the petitioners are prepared to deposit an amount of Rs.50,000/- to the credit of Crime number to show their bonafides. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant are adjacent land owners and that due to previous enmity, the petitioners have abused and intimidated the defacto complainant and also caused damage to entire banana grove and the value of the damage is Rs.50,000/-. He would further submit that there is no pending case against the petitioners.

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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) jointly, to the credit of Crime No.557 of 2020 within a period of fifteen days from the date on which the order copy was made ready, on such deposit, the petitioners are ordered to be released on bail in the event of arrest on their appearance before the learned Judicial Magistrate No.I Attur and condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with 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.50,000/- (Rupees Fifty Thousand Only) jointly, to the credit of Crime No.557 of 2020 before the learned Magistrate.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

[f] 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]**.

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

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

-sd/-

17/08/2020

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,
ATTUR, SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

CC to M/S.A.RAJAKUMAR Advocate on payment of necessary charges

CRL OP.12008/2020

Date :17/08/2020

MK:03/09/2020