

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12101 of 2020

1.Venkatappan
2.Santhosh
3.Kanavapatty
4.Govindaraj
5.Thandavam

... Petitioners

Vs.

State rep by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No.563 /2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of apprehending arrest in Crime No.563 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under **Sections 147, 294(b), 447 and 506(ii) of IPC, and Section 3 of TNPPDL Act, 1992 in Crime. No.563 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners had purchased 95 cents of land from the defacto complainant and thereafter, they attempted to encroach more property belonging to the defacto complainant and they also damaged the fencing stone and fencing wires. Hence, the complaint.

3. The learned counsel for the petitioners would submit that infact the petitioners had purchased the property from the father-in-law of the defacto complainant and there was some dispute with

regard to the extent and therefore, a false complaint has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners who had purchased 95 cents of land from the father-in-law of the defacto complainant had attempted to encroach into the remaining property belonging to the defacto complainant. He would further submit that they damaged the fencing stone and fencing wire in the property and the value of the damage is assessed about Rs.1,00,000/-. He would submit that there is no previous case against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and the submissions of the learned counsels and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, **within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the Judicial Magistrate No.II, Krishnagiri, on condition that 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, ever 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/08/2020

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.II,
KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.K.THIRUVENGADAM Advocate on payment of necessary charges

CRL OP.12101/2020

Date :13/08/2020

TA-16/09/2020

WEB COPY