

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12525 of 2020

1. Mahendran ... Petitioners
2. M.Jai @ Jayakumar
3. Moorthy

Vs.

The State rep by ... Respondent
The Inspector of Police,
Perunthuravu kuppam,
Koovathur police station,
Cheyyur Taluk,
Kancheepuram District.
Crime No. 877/2020.

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.877 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Ramesh

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 294
(b), and 506(i) IPC r/w 3(1) of Prevention of Damage to Public
Property Act, 1984, in Crime No.877 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 they are having an aqua farm in the village and the
petitioners demanded money for conducting the festival of the temple
in the village and when the defacto complainant refused to pay the
amount, the petitioners have caused damages to the pipelines and the
value of the damages is assessed at Rs.2,00,000/- (Rupees Two Lakhs
Only). Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case since they objected to the water lines taken through the village and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners who are the residents of the village demanded money for conducting festival of the temple and when the defacto complainant refused to pay the same, they caused damages to the pipe lines and intimidated the staffs of the Hatchery. He further submitted that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his defence, the petitioners are ready to deposit Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the credit of the crime number.

6. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to deposit Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the credit of the crime number. On such deposit, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thirukalikundram, Chengalpattu District on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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.

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

-sd/-

19/08/2020

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,
THIRUKALIKUNDRAM, CHENGALPATTU DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PERUNTHURAVU KUPPAM,
KOOVATHUR POLICE STATION,
CHEYYUR TALUK,
KANCHEEPURAM DISTRICT.

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

CRL OP.12525/2020

Date :19/08/2020

TA-14/09/2020