

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12708 of 2020

1.Pachamuthu M/A 63 years,

S/o.Alagappan,

2.Parameshwari F/A 52 years,

W/o.Pachamuthu,

3.Ramya F/A 32 years,

D/o.Pachamuthu,

Petitioners Nos.1 to 3 are residing at

No.4/10-71, Gonour West,

Veeranur, Mettur Taluk,

Salem District.

... Petitioners/Accused No.1 to 3

Vs.

The State represented by,

The Inspector of Police,

Karumalaikoodal Police Station,

Salem District.

(Crime No.421/2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in Crime No.421 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Subash

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 294(b), 353 and 506(i) of IPC, in Crime No. 421 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Mythili, who is a Village Administrative Officer of the Polur, Village, is that when she had gone to conduct survey to the Government Poramboke land along with revenue officials, the petitioners had created a problem as they are adjacent land owners and abused them in filthy language.

3 The learned counsel appearing for the petitioners would submit that without giving notice to the petitioners, the Village Administrative Officer has attempted to conducted the survey and when it was objected by the petitioners, a false complaint has been given against them. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that defacto complainant/Village Administrative Officer she had gone to conduct survey on the Government Poramboke land along with revenue officials but the petitioners had created a problem as they are adjacent land owners and abused them in filthy language. He would submit that no one has sustained injuries and that there is not previous case pending against the petitioners. However, he opposed to grant anticipatory bail to 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 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 Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Mettur, on condition that 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 petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. The second and third petitioners 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.

[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/-
20/08/2020

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, METTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.

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

WEB COPY

CRL OP.12708/2020

Date :20/08/2020

RD 10/09/2020