

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13402 of 2020

1. S.David Padmanaban
2. K.Thangaraj
3. S.P.Tuhinsamuesl
4. K.Aanand

... Petitioners

Vs.

The State Rep. By
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.1440 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of arrest concerned in Crime No.1440 of 2020 on the file of the Inspector of Police, Rasipuram Police, Namakkal District.

For Petitioners : Mr.N.Anand

For Respondent : Mr.M.Mohamed Riyaz,
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 offences punishable under Sections 341, 447 and 506(ii) of IPC, in Crime No.1440 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 06.08.2020 due to previous enmity regarding property dispute, the petitioner trespassed into the property of the defacto complainant and threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case and due to previous enmity. He would submit that nobody is injured.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioners trespassed into the defacto complainant's property and abused with filthy language and criminally intimidated him. There is one previous case in Cr.No.561 of 1994 against the first petitioner. He would further submit that there was no previous case pending against the other petitioners.

5. In reply, the learned counsel for the petitioner would submit that the previous case in respect of the first petitioner relates to the year 1994 and he was also acquitted from that case.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of 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, Rasipuram, Namakkal District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 Inspector of Police, Rasipuram Police Station, Namakkal District daily at 10.30 a.m. and 5.30 p.m, until further orders and the petitioners shall not go near the house of the defacto complainant.

[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/s, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
01/09/2020

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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.N.ANAND Advocate on payment of necessary charges SR.NO.6104

GKS:17/09/2020

CRL OP.13402/2020

Date :01/09/2020