

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Cr1.O.P.No.13670 of 2020

1. Thayamma
2. Govindhasamy
3. Vinothkumar
4. Kuttiyappan
5. Mohan
6. Kumar
7. Palani
8. Ramesh
9. Rajavel

....Petitioners

Vs.

State Rep. by
The Inspector of Police
Ambalur Police Station,
Vellore District.
(Crime No.84 of 2019)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.84 of 2019 on the file of the Respondent.

For Petitioners : Mr.M. Vinoth

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 506(ii), 379 of I.P.C read with Section 3 of the Tamil Nadu Property Prevention of Damage and Loss Act, 1992, in Crime No.84 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 26.05.2019, the accused persons illegally entered into the defacto complainant's house and ransacked the household articles and caused damages to the household articles. 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. He would submit that their relative was murdered by the defacto complainant's side and that in order to preempt the petitioners, the defacto complainant had given a false complaint against them. The case is of the year 2019 and the petitioners prepared to abide by any condition that may be imposed by this Court. Hence, he prays for a anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submit that the first petitioner's brother was murdered by the defacto complainant. In retaliation, the petitioners trespassed into the property of the defacto complainant and caused damaged to the household articles worth about Rs. 1,25,000/- (Rupees One lakhs twenty five thousand only) and taken away a sum of Rs.60,000/- (Rupees Sixty Thousand only). However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and the case is of the year 2019, 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 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 Court, Vaniyampadi, on condition that each of 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 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.

[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/-

04/09/2020

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 COURT,
VANIYAMPADI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
VELLORE DISTRICT.

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

WEB COPY

CRL OP.13670/2020

Date :04/09/2020

cs 18/09/2020