

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Cr1.O.P.No.13813 of 2020

1. Ramesh
2. Kamalakannan
3. Thangam
4. Nithesh @ Nitheshkumar
5. Ravi @ Ravikumar
6. Senthil @ Senthilkumar
7. Soundharrajan
8. Dinesh @ Dineshkumar ... Petitioners

-Vs-

State Rep by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.1042 of 2020) ... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1042 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Kumarasamy

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

ORDER

(These cases have been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 294 (b), 506(i) of IPC and r/w. Section 3(1) of TNPPDL Act 1992, in Crime No.1042 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant belongs to a particular community and the accused/petitioners belong to different community and due to a wordy quarrel, the petitioners joined together and caused damage to roof of the back yard of the house, worth about Rs.50,000/-.

3.The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel for the petitioners further submits that the son of the defacto complainant abducted a minor girl who is related to the petitioners' and the petitioners had given a complaint in this regard and the son of the defacto complainant had also been arrested by the police. Therefore, a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the nature of the case is that the son of the defacto complainant had eloped with a minor daughter and so, the petitioners caused damaged to the roof of the back yard of the house. He submitted that the investigation is pending.

5. Taking into consideration the facts and submissions, 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 their arrest or on their appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate, Omalur**, 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 every day at 10.30 a.m., for a period of two weeks 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.

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

-sd/-

07/09/2020

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,
OMALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S B.KUMARASAMY Advocate on payment of necessary charges SR NO.6318

CRL OP.13813/2020

Date :07/09/2020

MK:18/09/2020