

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14018 of 2020

1.C.Karuppan,
S/o.Chinnapaiyan

2.K.Ramamoorthy,
S/o.C.Karuppan

3.K.Rangaraj,
S/o.C.Karuppan

4.K.Mohanraj,
S/o.C.Karuppan

5.P.Ponnusamy,
S/o.Pichamuthu

6.P.Sudhakar,
S/o.Ponnusamy

7.D.Sangubalan,
S/o.Duraisamy

8.K.Sankar,
S/o.Kattaiyan

... Petitioners

Vs.

State rep. by its,
The Inspector of Police,
Attur Rural Police Station,
Attur, Salme District.

Crime No.366 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.
to enlarge the petitioners on anticipatory bail in the event of
arrest in Crime No.366 of 2020, on the file of the respondent.

For Petitioners : M/s.S.Ambigapathi

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 147,
<https://hcservices.gov.in/hcservices/>

148, 447, 294 (b), 323, 506 (ii) and 427 IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002, in Crime No.366 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner demanded the defacto complainant several times to sell his property for a lesser price but the defacto complainant refused to sell the same. Thereafter, the defacto complainant made arrangements to get electricity connection and the petitioners came to his house with spade, iron bar and wooden logs and threatened the defacto complainant and the Electricity Department Personnel not to give electricity connection and the petitioners again came to the defacto complainant's house with knife, spade, iron bar and wooden logs and damaged the household articles and also attacked him and his parents and threatened them with dire consequences and caused simple injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners demanded the defacto complainant to sell his property for a lesser price and when he refused for the same, they attacked the de-facto complainant and threatened with dire consequences and also caused simple injuries. He would further submit that the injured has been discharged from the hospital and that there are no previous cases against the petitioners. However, he oppose to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and considering the submissions of the learned counsel and the fact that the injured has been discharged from the hospital and that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Attur-I, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/09/2020

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,
ATTUR-I,

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ATTUR RURAL POLICE STATION,
ATTUR, SALME DISTRICT,

+1 CC to M/S. S.AMBIGAPATHI Advocate on payment of necessary charges sr No.6189

CRL OP.14018/2020

Date :09/09/2020