

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14435 of 2020

1.Nagaraj
2.Murali

... Petitioners

Vs.

State

The Sub Inspector of Police
Berigai Police Station,
Berigai,
Krishnagiri District
(Crime No.341 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest of petitioners in Crime No.341 of 2020 on the file of the Berigai Police Station, Berigai, Krishnagiri District.

For Petitioners : Mr.K.Selvarangan

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 447, 294(b), 427, 506(2) IPC, in Crime No.341 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Aruna is that due to property dispute, on 02.08.2020 at 8.30 a.m., the accused trespassed into the property, abused and intimidated her and also damaged the cement board and stones. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. In fact the petitioners are in possession and enjoyment of the said property for more than 60 years. Based on the false complaint, the defacto complainant attempting to vacate the petitioners by force. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioners trespassed into the property of the defacto complainant, abused and intimidated her and also damaged the cement board stone and caused damages to the tune of Rs.15,000/-. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into Consideration the facts and circumstances of the case, 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 of commencement of the Court's normal functioning, before the learned Judicial Magistrate-I, Hosur, on condition that each petitioner shall execute a 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/09/2020

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,
NO.I, HOSUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
BERIGAI POLICE STATION,
BERIGAI,
KRISHNAGIRI DISTRICT.

+1 CC to M/S K.SELVARANGAN Advocate on payment of necessary charges SR.No.6290

CRL OP.14435/2020

Date :17/09/2020

cs 23/09/2020

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