

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14851 of 2020

1.S.Madhavaraj
2.M.Subramani
3.K.Ganesan
4.T.Sugu Thangavel @ Venkatesan

... Petitioners 1 to 4/
Accused 1 to 4

vs.

The State represented by,
The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
(Crime No.1206 of 2020
Dated 26.08.2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No. 1206 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Prakasam

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 alleged offences punishable under Sections 294(b), 447, 427 and 506(i) of IPC, 1860, in Crime No. 1206 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that when the defacto complainant was digging bore well in his farm land, the petitioners have trespassed into his property and have demanded mamul and when it was refused by the defacto complainant, the petitioners have abused him in filthy language and threatened him with dire consequences and have also caused damage to the bore well drilling machine. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that they are poor farmers belonging to Thagadoor Village, Errapatti. He would submit that the defacto complainant along with one Dr.Srinivasan had purchased the property in the same village and without obtaining the

permission, they have dug the bore well for 1200 feet and when it was opposed by the petitioners, a false case has been given against them. He would submit that the petitioners are the poor farmers and that they are facing scarcity of water, that was the reason they have opposed for digging of the bore well. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have demanded mamool from the defacto complainant for digging bore well in his farmland and when it was refused by the defacto complainant, the petitioners have abused and assaulted him and they have also caused damage to the bore well drilling machine. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions made by the learned counsels, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Dharmapuri, on condition that each petitioner 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/-

23/09/2020

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.II, DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ADIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.14851/2020

Date :23/09/2020

RVR 08/10/2020

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