

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15129 of 2020

1. Ponnusamy
2. P. Suresh Kumar
3. P. Bakkiyalakshmi
4. S. Shanthadevi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Avinashi Police Station,
Avinashi, Tiruppr District
(Crime No.1820/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioners in connection with Crime No.1820 of 2020 on the file of the respondent police.

For Petitioners : Mr.Tamizh Law Firm

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 publishable under Sections 294(b), 447, 427 and 506(i) IPC in Cr. No.1820 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 the petitioners trespassed into the premises of the defacto complainant. Due to which there was a wordy quarrel between the petitioners and the de facto complainant and the petitioners also damaged the fencing of the premises which worth about Rs.40,000/- 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 Counsel for the petitioners would also submit that without prejudice to his defence and contention, the petitioners are prepared to deposit Rs.5,000/- each to the credit of the above crime number, in order to show their bonafide. Hence, he prays for granting anticipatory bail.

5. The learned Additional Public Prosecutor would submit there was a land dispute between the petitioners and the defacto complainant, with regard to the same, a suit is pending on the file of the Sub Judge Avinashi and RDO proceedings under Section 107 of Cr.P.C has been initiated and the same is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Taking into consideration the facts and submissions of the learned counsels and that the petitioners have come forward to deposit Rs.5,000/- each to the credit of the above crime number in order to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioners are directed to deposit Rs.5,000/- each to the credit of Crime No.1820 of 2020 and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of copy of the order on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[b] 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.

[c] the first and third petitioners shall report before the respondent Police daily daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d] the second and fourth petitioners shall report before the respondent police daily at 10:30 a.m for a period of two weeks and thereafter on every monday and Friday at 10:30 a.m until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[h] 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/-

25/09/2020

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,
AVINASHI

2 SUB JUDGE,
AVINASHI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT.

CC to M/S. TAMIZH LAW FIRM Advocate on payment of necessary charges Sr.6492

CRL OP.15129/2020

सत्यमेव जयते Date :25/09/2020

RVR 08/10/2020

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