

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15895 of 2020

1.SATHIS

2.SANANDHA GANESH @ SANTHA GANESH

.. Petitioners

Vs.

State Represented by
SUB INSPECTOR OF POLICE,
Thally Police Station,
Thally,Krishnagiri District.
Crime No.533 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.533 of 2020 pending investigation on the file of the respondent police.

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 alleged offences under Sections 294(b), 427 and 506(2) of IPC, in Crime No.533 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to land dispute, there was wordy quarrel, due to which, the petitioners have abused the defacto complainant and intimidated him and also damaged the fencing and the damage is assessed to the tune of Rs.88,000/-.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there is a dispute with regard to the ownership and title of the property, due to which, a false case has been foisted against them. He would further submit that the parents of the petitioners have possessed the property and pursuant to a Will, the petitioners are in possession of the property.

4. The learned Additional Public Prosecutor would submit that due to a land dispute regarding property, the petitioners have abused the defacto complainant and intimidated him and also caused damage to the fencing to the tune of Rs.88,000/- .

5. Taking into consideration of the facts and circumstances and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the District Munsif Cum Judicial Magistrate, Denkanikottai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.With the above directions, this Criminal Original Petition stands ordered.

-sd/-

15/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DIST.

CC to M/S.K.SELVARANGAN Advocate on payment of necessary charges
Sr.6927

CRL OP.15895/2020

Date :15/10/2020

RVR 21/10/2020

WEB COPY