

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.15015 &15970 of 2020

T.Balasubramaniyan,
S/o. Thirunavukarasu.

...Petitioner in Crl.O.P.No.15015
of 2020

D.Santhi,
W/o. Dhanasekar.

... Petitioner in Crl.O.P.No.15970
of 2020

Vs.

State represented by,
The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
(Crime No.690 of 2020)

... Respondent in both Crl.O.Ps

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in Crime.
No.690 of 2020 on the file of the respondent police.

For Petitioner in

Crl.O.P.No.15015 of 2020 : Mr.T.Raja

For Petitioner in

Crl.O.P.No.15970 of 2020 : Mr.A.Ramesh

For Respondent in both

Crl.O.Ps

: Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

(This Case has been heard through Video Conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 471, 294 (b), 506(1) of IPC and 294(b), 353, 332, 420, 465, 467 and 506(2) of IPC in Crime No.690 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant one Sujatha, is that one Shanthi W/o. Selvam had purchased property from one Shanthi W/o. Dhanasekar and that part of the property was encroached by one Guneseakaran and he had refused to vacate. Hence, the said Shanthi W/o. Selvam had approached the defacto complainant with the complaint along with the certified copies of the document, stating that the parent documents were missing. Along with the

documents she had also enclosed a non traceable certificate issued by Mantharakuppam Police Station. On a perusal, it was found that it is a fabricated one and when the defacto complainant had enquired the said Shanthi, the other accused, who had come along with her, had informed that the fabricated document was made by one Balasubramanian, who is a reporter and when the defacto complainant had further questioned, the accused abused her with filthy language and attempted to assault her .

3. The learned counsel for the petitioner in Crl.O.P.No.15015 of 2020 would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a reporter and he is working in the leading daily newspaper and that he had written some articles against the defacto complainant and thereby the defacto complainant had maliciously and wilfully included his name in the complaint. He would submit that a very reading of the FIR would show that it is an artificial complaint.

4.The learned counsel for the petitioner in Crl.O.P.No.15970 of

2020 would submit that the petitioner is a house wife and she has no relation with the petitioner in Crl.O.P.No.15015 of 2020. Her property was encroached by one Gunasekaran. Hence, she has given the complaint. Using the complaint of the petitioner, a false complaint has been spun by the complaint, who has some axe to grind against a reporter. He would further submit that the petitioners are also prepared to face the case and the entire documents are now with the respondent police. As per the case of the prosecution they are also bona fide documents.

5. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner in Crl.O.P.No.15970 of 2020 had preferred a complaint against one Gunasekaran in respect of encroachment of property. Along with the complaint she had furnished a non-traceable certificate alleged to be issued by the respondent police station and on verification, it was found to be fabricated by the petitioner in Crl.O.P.No. 15015 of 2020. When the defacto complainant had questioned the same, the accused had attempted to assault the police. He

would further submit that the custodial interrogation of the petitioners are very much required.

6.Heard the counsels and perused the copy of the FIR.

7. Taking into consideration the facts and circumstances of the case and 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 their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready before the learned District Munsif cum Judicial Magistrate, Neyveli on condition that the petitioners 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:

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

[e] the petitioners 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 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]**.

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

8. With the above directions, these Criminal Original Petitions are ordered.

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Index: Yes/No

Internet: Yes/No

vsn

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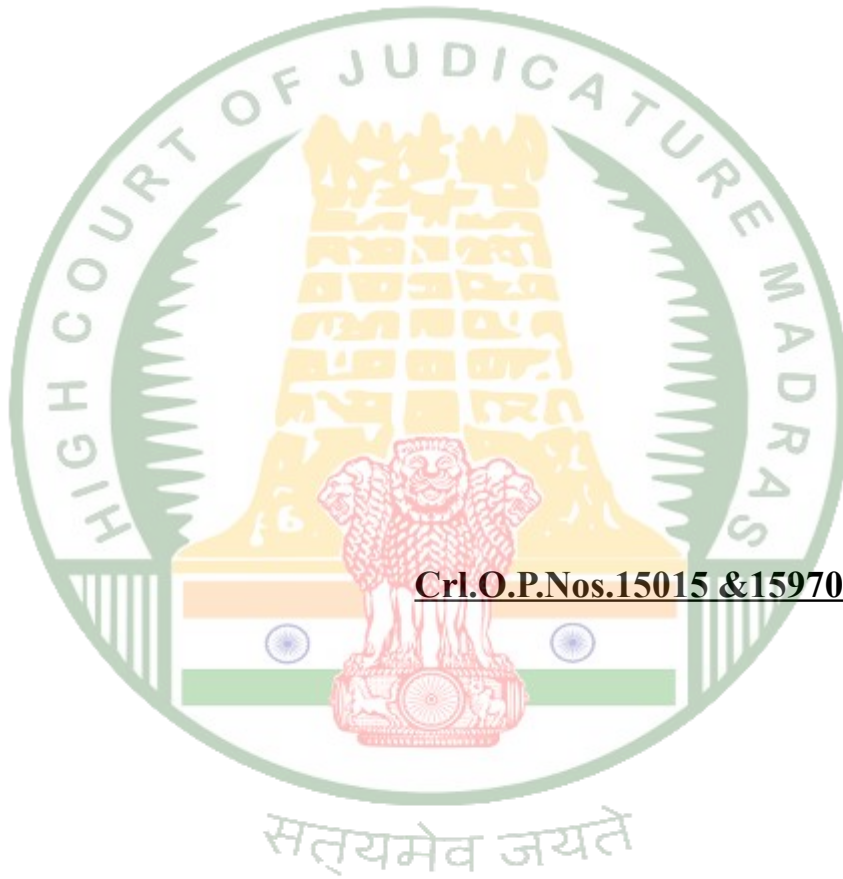
1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J

vsn



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