

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16037 of 2020

1.Selvaraj
2.Ananthi

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Thiruthuraipoondi Police Station
Thiruvarur District.
(Crime No.2575 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.2575 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Subash

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(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 147, 148, 448, 294(b), 427, 352, 506(ii) of IPC, in Crime No.2575 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Raji is that due to property dispute, the petitioners along with other accused trespassed into the de-facto complainant's property and also assaulted him and also damaged the household articles and thereby caused damage to the tune of Rs.13,000/- and thereafter, threatened the de-facto complainant and his wife with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and a false complaint has been given against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners. On instructions, he would

further submit that without prejudice to their contention, the petitioners are prepared to deposit an amount of Rs.5,000/- each to the credit of Crime No.2575 of 2020, on the file of the respondent.

4. The learned Additional Public Prosecutor vehemently opposed by stating that the petitioners along with other accused trespassed into the de-facto complainant's property and also assaulted him and also damaged the household articles and thereby caused damage to the tune of Rs.13,000/-. He would further submit that there is no previous case pending against the petitioners.

5. 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 directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) each to the credit of Crime No.2575 of 2020 and on such deposit, 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 receipt of a copy of this order, before the **learned Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) each to the credit of Crime No.2575 of 2020, before executing the bond.**

[d] Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[e] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

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

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

[h] 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]**.

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

With the above direction, this Criminal Original Petition is ordered.

-sd/-

09/10/2020

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

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

WEB COPY

CRL OP.16037/2020

Date :09/10/2020

TA-19/10/2020