

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17769 of 2020

Mahendran

... Petitioner

Vs.

State rep. by

The Sub Inspector of Police

Thalambur Police Station

Kancheepuram District.

(Crime No.76 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.76 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under **Sections 448 and 506(ii) of IPC read with Section 3(1) of TNPPDL Act**, in Crime No.76 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Muthusamy is that due to property dispute, on 11.03.2020 at about 10 a.m., the accused trespassed into the property belonging to the defacto complainant and demolished it by using JCB and the value of damage is about Rs.10 lakhs.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely

implicated in this case since he happens to be the friend of A1. He would further submit that A1 is the owner of the property and the defacto complainant trespassed into his property and put up a construction and thereby, there was a dispute between. Whereas, a false complaint has been given as if, the accused trespassed into the property of the defacto complainant and demolished the building. He would further submit that A1 was arrested and subsequently released on bail. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to property dispute, the petitioner along with A1, trespassed into the property of the defacto complainant and by using JCB, caused damages to the superstructure put up in the land. He would further submit that A1 was arrested and later released on bail. However, he would vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and submissions of the learned counsels and the fact that the main accused/A1 has been enlarged on bail, this Court inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed 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 is made ready, before the **learned Judicial Magistrate-I, Chengalpattu**, on condition that the petitioner 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:

[a] the petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

[d] the petitioner 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 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].

[f] 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/-
18/11/2020

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-I,
CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THALAMBUR POLICE STATION,
KANCHEEPURAM DISTRICT

+1 CC to R.SASIKUMAR Advocate on payment of necessary charges SR.NO.7624

CRL OP.17769/2020

Date :18/11/2020

GKS:30/11/2020