

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17730 of 2020

and

Cr1.M.P.No.7659 of 2020

1.Dhandapani
2.Shanmugamurthy

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
KG Chavadi Police Station,
Coimbatore District.
(Crime No.1373 of 2020)

... Respondents

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail, in the event of their arrest in
Crime Nos.1373 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Govi Ganesan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 447, 380
and 506(i) of IPC in Crime No.1373 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 petitioner along with other accused trespassed into the
house of the defacto complainant and also damaged the electrical
items worth about Rs.63,000/-. Hence, the complainant.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent person and they have not committed any
offence as alleged by the prosecution and a false case has been
foisted against them. The learned counsel without prejudice to his
contentions the petitioner is prepare to deposit the entire amounts
to the credit of crime No.1373 of 2020. Hence, he prays for grant of
anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to Civil dispute the petitioner along with other accused trespassed into the house of the defacto complainant and also damaged the electrical items worth about Rs.63,000/-. He further submitted that there are no previous cases pending as against the petitioners and also submitted that the case of the year 2018. However, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that due to Civil dispute the petitioner along with other accused trespassed into the house of the defacto complainant and damaged the electrical items worth about Rs.63,000/- and also threatened him with dire consequences.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of their 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 Judicial Magistrate, Madhukkarai, on condition that each of the petitioner shall execute a 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:

[a] 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.

[b] the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly, to the credit of Crime No.1373 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the petitioners shall report before the respondent police every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/12/2020

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,
MADHUKKARAI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KG CHAVADI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S K.GОВI GANESAN Advocate on payment of necessary charges Sr.8145

CRL OP.17730/2020

Date :11/12/2020

RVR 18/12/2020