

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.17837 and 17950 of 2020

1.E.Gobi @ Gobinath

2.A.Francis

.. Petitioners in both Crl.O.Ps

Vs.

The State Represented by
The Inspector of Police,
Anuppapalayam Police Station,
Tiruppur City.

(Crime Nos.3535 and 3536 of 2020) ..Respondent in both Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime Nos.3535 and 3536 of 2020 pending on the file of respondent.

For Petitioners : M/s.J.Franklin
(In both Crl.O.Ps)

For Respondent : Mr.M.Mohamed Riyaz
(In both Crl.O.Ps)
Additional Public Prosecutor

O R D E R

(These cases have been heard through video conference)

The petitioners in Crl.O.P.No.17837 of 2020, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 3 of TN Property (PRVNT. OF DAMAGE 7 LOSS) Act, in Crime Nos.3535 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The petitioners in Crl.O.P.No.17950 of 2020, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 448, 427 and 364 of IPC in Crime Nos.3536 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution as per the defacto complainant is that on 12.10.2020 one Anbarasu was kidnapped and attacked by Ellamparithi and Ananth, due to which he sustained serious injuries and thereafter he died and that the petitioners who are the friends of

the deceased Anbarasan in order to take revenge entered into house of the defacto complainant and damaged his household articles. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are the friends of one Anbarasu who was kidnapped and murdered by the defacto complainant's son and as a preemptive measure the false complaint has been given. Hence, he prays to grant bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that Anbarasu was attacked by Ellamparithi and Ananth, due to which he sustained serious injuries and thereafter died. The petitioners who are the friends of Anbarasu, in order to take revenge, attacked the defacto complainant and also damaged his household articles. He opposed for grant of bail to the petitioners.

6. Heard the learned counsels and perused the materials placed on record.

7. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel, 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 days from the date on which the copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate No.III, Tiruppur, 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 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.

[g] 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].

[h] If the accused thereafter absconds, 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,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR CITY.

+2 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.Nos.8213 & 8214

CRL OPs.17837 & 17950/2020

Date :11/12/2020

cs 08/01/2021