

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

CrL.O.P.No. 18899 of 2020

1.Arumugam, S/o.Valikaruppan

2.Sekar @ Gunasekaran, S/o.Karupusamy

3.Pannan, S/o.Karupusamy

4.Senthil @ Senthilkumar, S/o. Raju ... Petitioners/Accused

Vs.

The State represented by,

The Inspector of Police,

Denaducombai Police Station,

Nilgiris District, Nilgiris.

[Crime No. 479 of 2020]

सत्यमेव जयते

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 479 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Periasamy

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 offences punishable under Sections 294(b), 427, 448, 506(1) of IPC, in Crime No. 479 of 2020, on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to property dispute, on 06.11.2020 at about 08.00 a.m., the petitioners have trespassed into his house, abused him in filthy language, intimidated him and also caused damage to the household articles, which worth Rs.5,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that a false case has been foisted against them. In fact, the defacto complainant used to harass the first petitioner due to land dispute. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to land dispute, the petitioners have

trespassed into the defacto complainant's house, abused him and also criminally intimidated him. He would further submit that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Ooty, Nilgiris District, on condition that each petitioner 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 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 first petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required. Petitioners 2 to 4 shall appear before the respondent Police as and when required.**

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

[d] the petitioners 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 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].

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

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

02.12.2020

Internet : Yes/No

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* Corrected as per the order of this Court dated 09.12.2020.

To

1.The Judicial Magistrate, Ooty, Nilgiris District.

2.The Inspector of Police,
Denaducombai Police Station,
Nilgiris District, Nilgiris.

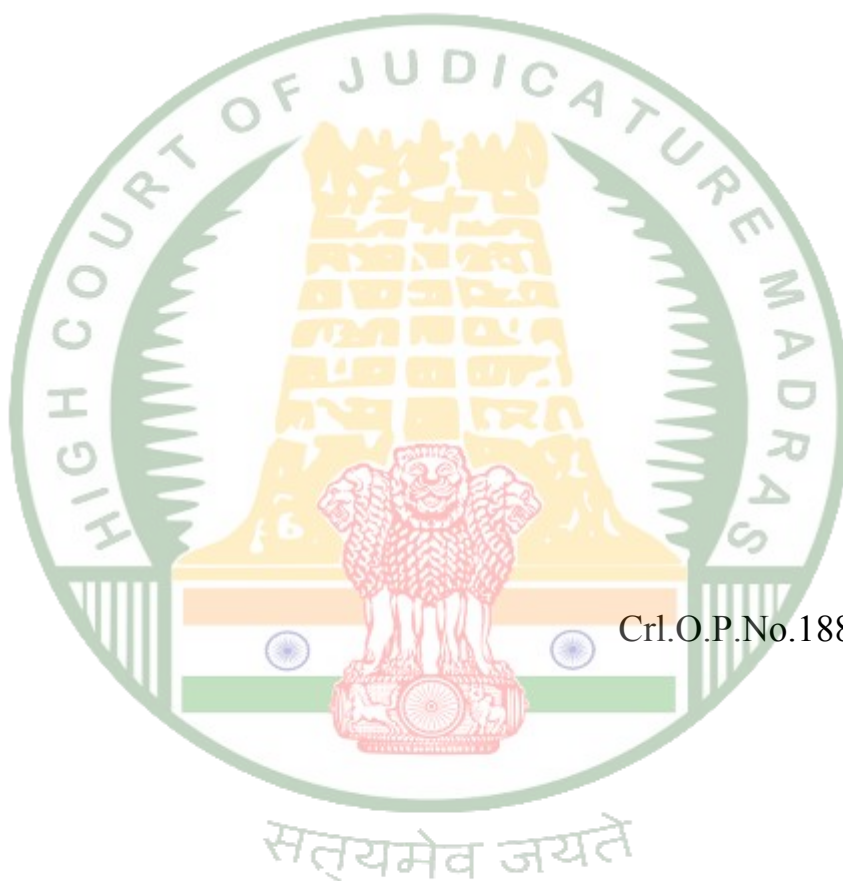
3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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Today the matter has been listed under the caption for “being mentioned” at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner submitted that first petitioner/A1 is a native of Nilgiris District. Petitioners 2 to 4/A2 to A4 hail from Tiruppur and hence the compliance of condition imposed vide order dated 02.12.2020 in Crl.OP.No.18899 of 2020 would be very difficult, which was submitted while arguing the anticipatory bail.

3.Considering the same, this Court directs A1 to appear before the respondent Police daily for the period of two weeks and thereafter as and when required. With regard to the A2 to A4, they shall appear before the respondent as and when required.

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M. NIRMAL KUMAR, J.

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4.In view of the above, The Paragraph No.6 [b] of the order dated 02.12.2020 in CrI.OP.No.18899 of 2020 to be corrected as follows:

“The first petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required. Petitioners 2 to 4 shall appear before the respondent Police as and when required.”

5.Registry is directed to carry out necessary correction in the order and issue fresh order.

09.12.2020

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