

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 20153 of 2020

1. Silambarasan

2. Sathish

3. Gnanamoorthy

4. Ayyappan

.... Petitioners/accused 1 to 4

Vs.

The State represented by,
The Sub Inspector of Police,
Somangalam Police Station,
Kancheepuram District.
[Crime No.1274 of 2020]

.... 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 connection with Crime No. 1274 of 2020, on the file of the respondent police.

For Petitioners: Mr.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(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 120(b), 427,294(b),384 and 506(ii) of IPC, in Crime No. 1274 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Praveen Kumar is that the defacto complainant is owning a land in Survey No.380/3B at Varatharajapuram Village and he is living in Bangaluru. When the defacto complainant visited his vacant land, he

had found that the petitioners along with oter accused encroached the land and constructed a house. When the same was questioned the petitioners, they abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence as stated by the prosecution and they are innocent purchasers. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have encroached the property of the defacto complainant and constructed a house in the vacant plot. The petitioners have no previous cases pending against them. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the petitioners have no previous cases pending against them, this Court is inclined to grant anticipatory bail to the petitioner 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, Sriperumpudur, on condition that each 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 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 report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/12/2020

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,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION, KANCHEEPURAM
DISTRICT.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.8596

CRL OP.20153/2020

Date :22/12/2020

GKS:04/01/2021