

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.20302 of 2020

1.Nagammal
2.Ramesh
3.Suresh
4.Kasthuri
5.Kamaly

... Petitioners

Vs.

The State of Tamilnadu, rep, by its
The Inspector of Police
Karimangalam Police Station,
Dharmapuri District.
(Crime No.1744 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.1744 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Selvakumar

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 147, 148, 294(b), 353 and 506(2) r/w 269 IPC, in Crime No.1744 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely A.Thennarasu, Assistant Professor in Alambadi Cattle Breed Research Centre, Dharmapuri is that on 23.11.2020, the petitioners/accused abused him with filthy language and also threatened and intimidated him. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they are the owners of four acres of land in Anumandhapuram Village and that they were in continued possession of their properties. While so, without issuing any notice the defacto complainant and the Thasildar attempted to evict them by force. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is a Professor in Alambadi Cattle Breed Research Centre, Dharmapuri when he had attempted to evict the petitioners, they abused with filthy language and also threatened and intimidated him. Hence, he vehemently opposed for grant of anticipatory bail.

5. Heard the learned Counsels and perused the materials placed on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels and also taking into consideration the affidavit of undertaking filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 order copy is made ready, before the learned Judicial Magistrate, Palacode, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

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

With the above direction, the 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,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S.R.SELVAKUMAR Advocate on payment of necessary charges
SR.No.8696

CRL OP.20302/2020

Date :22/12/2020

cs 04/01/2021