

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.658 of 2021

1. Pappanna @ Krishnappa ... Petitioners
2. Munikrishnappa
3. Gopal @ Venugopal
4. Manjunath

Vs.

State Rep. by ... Respondent
The Inspector of Police,
Mathigiri Police Station,
Hosur Taluka, Krishnagiri Dt.
(Crime No.622 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.622 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.G.M.Ananthakumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A4. They have been charged with for the offence punishable under Sections 447, 427, and 506(i) of I.P.C. in Crime No.622 of 2020 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that there is a land dispute between the defacto complainant and the petitioners. It is also stated that there is a civil suit pending in respect of disputed site. In the said circumstances, the present complaint has been filed against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would also submit that the respondent police after enquiry advised both the petitioners and the

defacto complainant to work out their remedies before the civil court concerned and closed the complaint of the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there is a land dispute between the parties and a civil suit is also pending with respect to the site. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. I have heard the rival submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. On perusal of records, it could be seen that there is a land dispute exists between the petitioners and the defacto complainant and also there is a civil suit is pending between the parties in respect of disputed site. In the said circumstances, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Hosur, 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, 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, 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 appear before the respondent police as and when required for interrogation;

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

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

-sd/-
21/01/2021

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.2,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
HOSUR TALUK, KRISHNAGIRI DISTRICT.

CC to M/S G.M.ANANTHAKUMAR Advocate on payment of necessary charges

CRL OP.658/2021

Date :21/01/2021

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MN-08/02/2021