

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1895 of 2021

1.Raja
2.Selvaraj
3.Viji
4.Saraswathi
5.Thangammal @ Thangamma

... Petitioners

-Versus-

The State Rep. By
Inspector of Police,
Tharamangalam Police Station,
Salem District.
[Crime No.21 of 2021]

... Respondent

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.21 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Mayilnathan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.21 of 2021 on the file of the respondent police for the alleged 147, 294(b), 447, 427 and 506(2) of IPC, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally nine accused in this case and the petitioners have been arrayed as A5 to A9. The petitioners said to have trespassed into the house of the de facto complainant over a land

dispute and damaged a CCTV camera.

4. The learned counsel for the petitioners would submit that there has been a family dispute between the petitioners over a landed property and the de facto complainant and the petitioners are innocents of the alleged offence and they have been falsely implicated in the case.

5. The learned Additional Public Prosecutor would strongly oppose the petition for anticipatory bail. According to him, the petitioner along with the other accused trespassed into the house of the de facto complainant, quarrelled with him over a property dispute and damaged a CCTV camera. He would, however, submit that A1 to A4 had already been granted anticipatory bail.

5. Considering the facts and circumstances of the case and also the fact A1 to A4 had already been granted anticipatory bail, 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, Omalur, Salem District, on each of them a 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:

[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 as and when required by the police 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 himself /Trial Court 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.

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

-sd/-
24/02/2021

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,
OMALUR, SALEM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.
CRIME NO.21/2021

+1 CC to M/S.S.MAYILNATHAN Advocate on payment of necessary charges SR.NO.2261.

WEB COPY

CRL OP.1895/2021

Date :24/02/2021

EP-01/03/2021