

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2315 of 2021

1. P. Nagoor Meeran Petitioners
2. Mohamadhal
3. Mohameed Ali
4. Mohammed Meeran
5. Zhakir Hussain

Vs.

State represented byRespondent
Station House Officer,
Gingee Police Station,
Gingee, Villupuram District.
(Crime No.176 of 2021).

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.176 of 2021 on the file of the respondent police.

For Petitioners: Mr.P. Suresh Kumar

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 506(ii), 323, 294(b) of I.P.C, in Crime No.176 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that there was property dispute between the petitioners and the defacto complainant and for the same a partition suit is also filed and it is pending before the Sub-Court, Gingee. It is alleged that the first petitioner was trying to take possession of the disputed property. Due to which there was a quarrel between the defacto complainant and the petitioners attacked the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that there was property dispute between the petitioners and the

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defacto complainant and for the same a partition suit is also filed and it is pending before the Sub-Court, Gingee and in the said partition suit an interim order was passed in favour of the first petitioner and by virtue of the same he has tried to take possession of the property. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the the petitioners and the defacto complainant are relatives and there was a property dispute between them. Due to which the petitioners have attacked the defacto complainant Hence, he opposed to grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that due to property dispute between the parties, in wordy quarrel the occurrence has taken place, this Court is inclined to grant anticipatory bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Gingee, Villupuram on condition that the petitioners shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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 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 absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
11/02/2021

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,
GINGEE, VILLUPURAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
GINGEE POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

+1 CC to M/S.V.L.NEHRU Advocate on payment of necessary charges SR NO. 1488

सत्यमेव जयते

CRL OP.2315/2021

Date :11/02/2021

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