

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2453 of 2021

1 BALU [PETITIONERS / ACCUSED]
2 MANIVANNAN
3 SANMUGAM
4 DEELIPAN
5 SARAVANAN
6 GOVINDARAJ
7 PRASATH
8 GOWRISAN

Vs

STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
MATHIKONAPALAM POLICE STATION,
DHARMAPURI DISTRICT.

E.SIVAKURU [PETITIONER / INTERVENOR]

(ORDERED AS PER ORDER OF THIS COURT DATED 26.03.2021 MADE IN CRL MP 2467 OF 2021 IN CRL OP 2453 OF 2021.)

For Petitioner : M/S.V.RAGHAVACHARI Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

FOR INTERVENOR : M/S. R.RAJARAJAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294 (b), 323, 426, 427, 506(ii), 379 of IPC and under Section 3, 4 of PPD Act, in Crime No.1110 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of prosecution is that the petitioners and the defacto complainant are trustees in the educational institution and there is a dispute between them. It is stated that the petitioners said to have filed a suit in O.S.No.48 of 2020 seeking for declaration and consequential injunction. Even though the Trial Court has granted injunction, it was suspended by the appellate Court. When the civil suit was pending, the present complaint has been filed alleging that the petitioners along with other accused entered into the college premises and damaged the articles worth about Rs.3 lakhs. Based on which, a criminal case has been registered against the petitioners.

3. The learned counsel appearing for petitioners would submit that the petitioners and the defacto complainant, are trustees in a Educational trust. There was a dispute between the trustees, and the petitioners filed a civil suit against the defacto complainant and others. In the meanwhile, a false case has been given against them as if they have damaged the property. He would further submit that only the co-accused had already been arrested and thereafter, he was released on bail by this Court in Crl.O.P.No.4431 of 2021 dated 05.03.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the intervenor would submit that the petitioners created forged documents claiming themselves to be the trustees of the Educational trust and obtained an order of injunction, which was suspended by the appellate Court. In the meantime, the petitioners had entered into a college premises and damaged the properties. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that there is a dispute between the trustees, an a civil suit is also pending, the petitioners had entered into the college premises and damaged the articles to the tune of Rs.3 lakhs. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, that the co-accused had already been released on bail, it is a civil dispute between the trustees of a trust and the civil suit is also pending, there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 made ready, before the learned Judicial Magistrate, Dharmapuri, on condition that each of the petitioner 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, this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.1110 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready, without prejudice to their rights and contentions in the present case and also in the civil suit.

[b] 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.

[c] the petitioners shall report 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.

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

-sd/-

26/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
DHARMAPURI.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
MATHIKONAPALAM POLICE STATION,
DHARMAPURI DISTRICT.

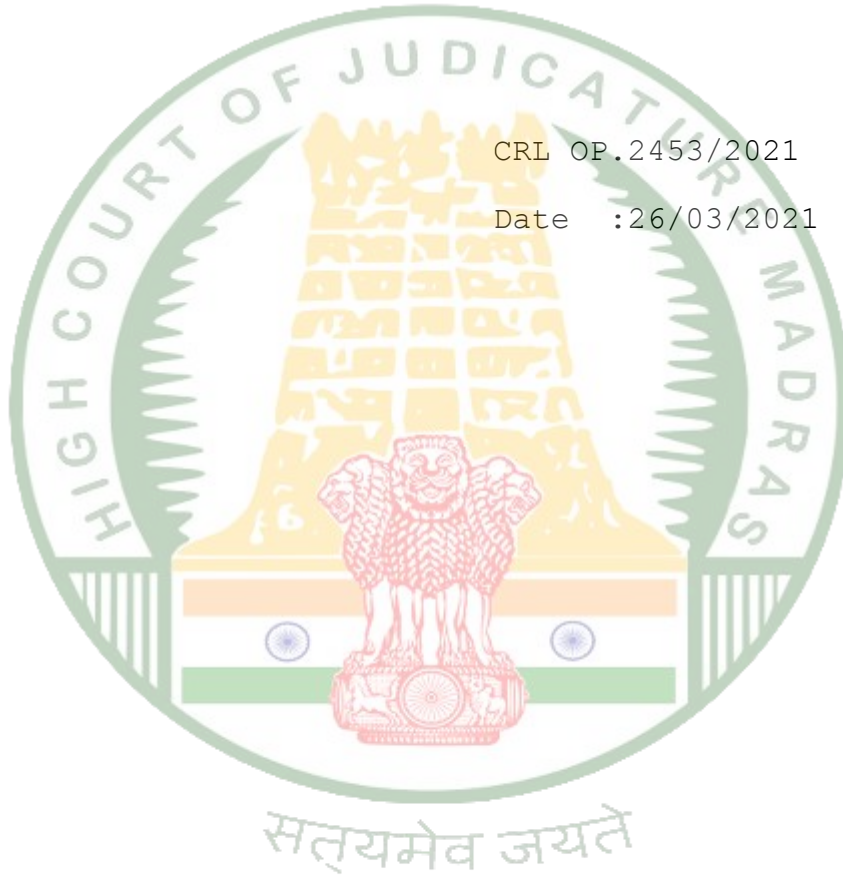
+2 CC to M/S.V.RAGHAVACHARI Advocate on payment of necessary
charges SR NO. 4163

+1 CC to M/S.R.RAJARAJAN Advocate on payment of necessary charges
SR NO. 4208

CRL OP.2453/2021

Date :26/03/2021

MN-08/04/2021



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