

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3246 of 2021

1 THIYGRAJAN
2 APPUKUTTI
3 DEVAPRAKASH
4 GUNASELVI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.9 OF 2021.

[RESPONDENT]

For Petitioner : M/S.G.BALAMANIKANDAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners are A1 to A4. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 448, 294(b), 323, 324, 307 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2021 on the file of the respondent police, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant. On 01.01.2021, there was a wordy quarrel between the parties with regard to taking of sand from the land belonging to the petitioners and the petitioners have intimidated the defacto complainant and assaulted the defacto complainant. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners have also given a complaint against the de-facto complainant, which was registered in Crime No.8 of 2021. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case in counter.

5. Taking into consideration the facts and circumstances of the case, and the fact that it is land dispute between the parties, and it is a case in counter, 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, Kancheepuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, 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 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/-
10/03/2021

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,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR NO.3168

CRL OP.3246/2021

सत्यमेव जयते Date :10/03/2021

MK:17/03/2021

WEB COPY