

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.OP.Nos.3716 and 3717 of 2021

- 1.Udaya Kumar
- 2.Shanmugam
- 3.Thirulogasundar
- 4.Thirunavukarasu
- 5.Sivakumar @ Sivasankar
- 6.Sankar @ Anu Udayasankar
- 7.Devaraj

... Petitioners in both Crl.O.P's

Vs.

State rep. by
Inspector of Police,
Paradarami Police Station,
Vellore District
Crime No. 17 of 2021

Respondent in Crl.O.P.No.3716 of 2021

Inspector of Police,
Paradarami Police Station,
Vellore District
Crime No. 16 of 2021

... Respondent in Crl.O.P.No.3717 of 2021

COMMON PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police connected with Crime Nos.16 and 17 of 2021 on the file of the respondent police.

For Petitioners : Mr.P. Ananda Kumar

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

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 294(b), 342, 353 and 506(I) of IPC, in Crime Nos.16 and 17 of 2021, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution in Crl.O.P.No.3716 of 2021 is that the defacto complainant who is a Village Administrative Officer received information from the Block Development Officer, Gudiyatham that when she went to survey the land the petitioners locked her in a room. Hence, the VAO went to rescue the BDO and he was also locked in a room. Hence the complaint.

3. The case of the prosecution in CrI.O.P.No.3717 of 2021 is that when the defacto complainant who is the Deputy Block Development officer of Gudiyatham went to survey the petitioner's land she was locked in a room and she informed the incident to the Village Administrative Officer. Thereafter, when the Village Administrative Officer came to rescue the defacto complainant he was also locked in the room by the petitioner. Hence the complaint.

4.The learned counsel for the petitioners would submit there were lot of encroachments in the area and the petitioners only wants the encroachments to be removed by the authorities and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor would submit the petitioners misbehaved with the defacto complainant, Block Development Officer and prevented her from discharging her duties and when the same was questioned by the Village Administrative Officer he was also illtreated and both of them were locked in a room. Hence, he opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also the fact that the occurrence has taken place in respect of removing encroachments in public place in a wordy quarrel between the petitioners and the defacto complainant, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed 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, Gudiyatham on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two common 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 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 229A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
25/02/2021

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,
GUDIYATHAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PARADARAMI POLICE STATION,
VELLORE DISTRICT

+2 CC to M/S.P.ANANDA KUMAR Advocate on payment of necessary charges Sr.Nos.2316 & 2317

CRL OP.Nos.3716 and 3717 of 2021

Date :25/02/2021

RVR 03/03/2021