

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4930 of 2021

1 CHINNADURAI
2 RAGU @ KRISHNAMURTHI
3 DHANASEKARAN

[PETITIONERS / ACCUSED]

vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
PONNUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO.22 OF 2021.

[RESPONDENT]

For Petitioner : M/S. V.R.APPASWAMEE Advocate

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

For Intervenor : M/S.P.R.KRISHNARAJ Advocate

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

ORDER : The Court Made the following order :-

The petitioners are A1, A2 and A4. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 341 & 506(ii) of IPC on the file of the respondent police in Crime No.22 of 2021, 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 with regard to pathway. On 19.02.2021, there was a wordy quarrel between the parties with regard to access to the pathway and the petitioners have abused the defacto complainant in filthy language and criminally intimidated him. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. Mr.P.R.Krishnaraj, learned counsel appearing for the intervenor submitted that the petitioners prevented the defacto complainant from entering his land and when the defacto complainant questioned the same they intimidated him.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a land dispute between the petitioners and the defacto complainant and there was a wordy quarrel between the defacto complainant and the petitioner and the petitioner abused the defacto complainant in filthy language and intimidated him.

6. Considering the facts and circumstances of the case, and the fact that due to a civil dispute there was a wordy quarrel between the parties and no one was injured, 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, Vandavasi, on condition that the petitioners shall execute a 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 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

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
12/03/2021

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PONNUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S. V.R.APPASWAMEE Advocate on payment of necessary charges SR NO.3306

CRL OP.4930/2021

Date :12/03/2021

MK:22/03/2021

WEB COPY