

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5136 of 2021

1 THIYAGU @ THIYAGARAJAN [PETITIONERS / ACCUSED]

2 RAMAN

3 VISHUKUMAR @ VISHWAKUMAR

4 LATCHUMANAN

5 PUNITH @ PUNITHKUMAR

6 THANGAM @ THANGAVEL

7 THIMMARAJ

8 PUTRAJ

9 MADHU @ MADHUKUMAR

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
UDDANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.37 OF 2021.

For Petitioner : M/S.M.JAYACHANDRAN 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 case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.37 of 2021 on the file of the respondent police for the alleged offence u/s 147, 148, 341, 294(b), 447 and 506 (ii) of IPC, seek anticipatory bail.

2. There are totally nine accused and the petitioners have been arrayed as A1 to A9 respectively. A landed property measuring an extent of 2 acre and 26 cents comprised in S.No.603/3 of Ayarnappalli was originally owned by one Muniamma wife of Urkutti Muniyappan. The 2nd petitioner is the son of Urkutti Muniyappan. The said Muniamma had, during her life time, sold her property to the de facto complainant for valuable consideration in the year 1992. The allegation is that when the de facto complainant and her husband have been developing by

cleaning the property, the 2nd petitioner, who is the son of the vendor of the de facto complainant along with relatives and some other persons, disputing the title of the property, attempted to interfere with the possession of the de facto complainant and abused the de facto complainant and her husband in a filthy language and also criminally intimidated them with dire consequences.

3. The learned counsel for the petitioner submitted that the petitioner never interfered with the possession of de facto complainant. They are innocents of the alleged offence and a false case has been foisted. According to the learned counsel, civil suit filed by the de facto complainant has been pending. The petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail and the petitioners undertake that they will not disturb the peaceful possession of the property in question by the de facto complainant.

4. The learned Additional Public Prosecutor submitted that the property in question was purchased by the de facto complainant for valuable consideration from the mother of the 2nd petitioner in the year 1992 and while so, now the petitioners, started claiming title and attempting to interfere with the possession of the de facto complainant. According to him, investigation is pending.

5. Considering the fact that there is a civil dispute between the parties and also having regard to the undertaking given by the petitioners and other facts and circumstances of the case, 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-II, Hosur, on each of them executing a 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, 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 petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
30/03/2021

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.II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDDANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR NO.4299

CRL OP.5136/2021

Date :30/03/2021