

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6140 of 2021

1 S.NANDAKUMAR
2 K.KARTHIK
3 S.KAMESHWARAN
4 P.MANIVANNAN
5 P.SENTHIL
6 C.ARUMUGAM

[PETITIONERS / ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
SIVA KANCHI,
KANCHIPURAM DISTRICT.
CR.NO.225/2021.

[RESPONDENT]

For Petitioner : M/S. M.MURUGAN Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 to A6, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 448, 294 (b), 323 I.P.C., read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.225 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner / A1 and the defacto complainant are neighbours and that there was a land dispute between them with regard to encroachment of the temple property and hence, the 1st petitioner / A1 along with other accused persons have abused the defacto complainant with filthy language and also assaulted him with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent / complainant would submit that the 1st petitioner/ A1 and the defacto complainant are neighbours and that due to the land dispute with regard to the encroachment of the temple property, a quarrel was arose between them and thereafter the petitioners have abused the defacto complainant with filthy language and assaulted him with hands. However, he would oppose for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and that the 1st petitioner and the defacto complainant are neighbours and that the defacto complainant had vacated the encroached premises, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of their 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 cum Munsif, Sriperumbudur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter 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 anticipatory 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]; and;

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

-sd/-

17/04/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
SIVA KANCHI,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.MURUGAN Advocate on payment of necessary charges
SR.5142

CRL OP.6140/2021

Date :17/04/2021

RVR 22/04/2021

WEB COPY