

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5481 of 2021

1 R.KUMAR

[PETITIONERS / ACCUSED]

2 S.ASHOKAN

3 D.MURUGAN

4 S.KAMARAJ

Vs

THE STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMAMALI DISTRICT.
(CRIME NO.120/2021)

For Petitioner : M/S S.B.VISWANATHAN Advocate

For Respondent : M/S.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 at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 435 and 506(i) of IPC, in Crime No.120 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. Totally, there are 5 accused persons involved in this crime and the petitioners are arrayed as A1 to A3 and A5. The case of the prosecution is that the 1st petitioner's wife is a President of the Village Panchayat and there was a wordy quarrel between the President and the defacto complainant's son for construction of a drainage channel. On the date of occurrence, all the petitioners went to the house of the defacto complainant and set fire to the motor cycle belonging to the defacto complainant worth about of Rs.60,000/-. Hence, the complaint..

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is no previous case pending as against these petitioners. He would further submit that the co-accused had already been arrested and thereafter, he was released on bail. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners went to the house of the defacto complainant and set fire to the motor cycle belonging to the defacto complainant worth about of Rs.60,000/-. He would further submit that co-accused had already been arrested and thereafter, he was released on bail. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case that on the date of occurrence, there was a wordy quarrel between them and the co-accused had already been arrested and thereafter he was released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Polur, on condition that the petitioners shall execute a separate 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, this petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.120 of 2021, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[b] 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.

[c] the petitioners shall report 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.

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

-sd/-

23/03/2021

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 COURT,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMAMALI DISTRICT.

+1 CC to M/S S.B.VISWANATHAN Advocate on payment of necessary charges SR.No.3917

CRL OP.5481/2021

Date :23/03/2021

cs 01/04/2021