

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.5613 of 2021

1 SIGAMANI [PETITIONERS / ACCUSED]
2 VISWANATHAN
3 PALANI
4 RUDHIRA MOORTHY @ RUDHRA PANDIAN
5 DINESH

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEPPAN KUPPAM POLICE STATION,
VELLORE DISTRICT.
CRIME NO.36 OF 2021

For Petitioner : M/S.E.KANNADASAN 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 :-

This case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992, in Crime No.36 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that there is a civil dispute between the petitioners and the defacto complainant, in which, there is a wordy quarrel, the petitioners said to have damaged the fence put up by the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous case pending as

against the petitioners Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that earlier another complaint has been registered against the petitioners in which they had been granted anticipatory bail. Now once again the petitioners had damaged the fence put up by the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. I have considered the rival submissions.

6. On perusal of the records, it is seen that there is a civil dispute pending between the parties and on the date of occurrence in a wordy quarrel the occurrence has taken place, considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 No.III, Vellore, 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 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.

8. 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.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPAN KUPPAM POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges
SR.No.4260

सत्यमेव जयते

CRL OP.5613/2021

Date :30/03/2021

cs 17/04/2021

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