

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.5635 of 2021

1. Mr.Venkatesan ... Petitioners
2. Mr.Jayakumar
3. Mr.Rameshbabu

Vs.

The State Rep. by ... Respondent
Sub-Inspector of Police,
Maharajakadai Police Station,
Krishnagiri Dt.
(Crime No.25 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.25 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.S.Sathyaraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioners are arrayed as A1 to A3. The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447 of I.P.C. and r/w Section 3 of TNPPDL Act, 1992, in Crime No. 25 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that, the petitioners said to have sold the property in favour of the defacto complainant. Subsequently, they have once again trying to interfere in their possession, due to which, there was a quarrel, and the petitioners said to have trespassed into the property and caused damage to the fencing and the electric motor and also standing crops. Hence, a criminal case was registered against the petitioners and now apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that, it is only a land transaction, and they have executed a sale deed with a right to reconveyance, and the possession is still with the petitioners, only the defacto complainant was trying to interfere with the possession and caused damage, thereafter, a false complaint has been given against them. He would submit that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that after transferring the property to the defacto complainant, the petitioners are trying to get the possession and also caused damage. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that it predominantly a civil dispute between the parties and a suit is also pending, 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 No.2, Krishnagiri** on condition that the petitioners shall execute a separate 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, 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 police daily at 10.30 a.m. for the period of two weeks and thereafter, 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.

6. 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,
NO.2, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.S.SATHYARAJ Advocate on payment of necessary
charges SR.NO.3907

CRL OP.5635/2021

सत्यमेव जयते Date :23/03/2021

TA-07/04/2021

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