

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8101 of 2021

RAJAMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
CR.NO.2 OF 2021,
DHARMAPURI DISTRICT.

For Petitioner : M/S. R.PRABAKAR Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 427, 294(b), 506(i), 509, 147, 120(b) IPC in Crime No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the adjacent house owner of the de-facto complainant. On 25.12.2020, the petitioner along with other accused attempted to trespass into the property of the de-facto complainant and damaged the common wall with JCB. It is further alleged that the petitioner abused the de-facto complainant and his family and threatened them with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Cr1. Side) would submit that the petitioner and other accused abused, assaulted the de-facto complainant and also threatened the de-facto complainant and his family with dire consequences. He would further submit no one

sustained injury in this case. However, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor/de-facto complainant opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also taking note of the fact no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dharmapuri, on condition that the petitioner shall execute 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 and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

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

-sd/-

30/04/2021

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 JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S. R.PRABAKAR Advocate on payment of necessary charges
Sr.5638

CRL OP.8101/2021

सत्यमेव जयते Date : 30/04/2021

RVR 14/06/2021

WEB COPY