

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.10255 of 2021

1. Ramasamy
2. Sarasu
3. vajjiravelu

... Petitioners

Vs.

The State of Tamilnadu
Rep by Inspector of Police
Mahendramangalam Police Station
Cr.No.52 of 2021
Dharmapuri District

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No. 52 of 2021 on the file of the Mahendramangalam Police Station, the Respondent Police.

For Petitioners : Mr.M.Devaraj

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) and 379 of I.P.C. in Crime No.52 of 2021 and they seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was abused with filthy language by the petitioners and he was also attacked with chilly powder by the petitioners (accused) on 28.04.2021.

3. However, it is the case of the petitioners that they are innocent persons and that they are the owners of the land and without any authority, the defacto complainant acted as a Real Estate Agent and visited their place for the purpose of selling the petitioners' land on behalf of his client. The petitioners have pleaded innocence in their petition for anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent on instructions would submit that even though the defacto complainant is injured, he has now been discharged from the hospital.

5. After giving due consideration to the nature of offence alleged to have been committed by the petitioners and in view of the fact that the defacto complainant has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of 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 of lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Palacode, on condition that the petitioners shall execute separate bonds 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain the production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] if there is 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 per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

[f] though obvious, it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-

11/06/2021

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,
PALACODE

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
MAHENDRAMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.DEVARAJ Advocate on payment of necessary charges
Sr.6448

CRL OP.10255/2021

Date :11/06/2021

RVR 15/06/2021

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