

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.OP.No.10544 of 2021

1. B.Mohanraj
2. Y.Sarathkumar
3. Srinivasan Banumathy

...Petitioners

Versus

State Rep. by
The Sub Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.
(Cr.No.540 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.540 of 2021 on the file of the respondent Police.

For Petitioner : Mr.K.Venkat

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 323, 427 of IPC read with section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992 in Cr.No.540 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have damaged the property belonging to the defacto complainant worth about Rs.10,000/-. Based on the complaint, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Due to previous enmity, the defacto complainant has lodged a false complainant against the petitioners. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the petitioners damaged the property of the defacto complainant worth about Rs.10,000/-

5. Taking into consideration of the facts and circumstances and also submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, 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, Arani, Thiruvannamalai, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 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;

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

-sd/-

17/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARANI, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 SUB -INSPECTOR OF POLICE,
KANNAMANGALAM POLICE STATION,
THIRUVANAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.VENKAT Advocate on payment of necessary charges
Sr.6585

CRL OP.10544/2021

Date :17/06/2021

RVR 06/07/2021

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