

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10941 of 2021

1.S.Manochrist @ Mano
2.A.Joshua @ Palani

... Petitioners

Vs.

State rep by
The Inspector of Police, L & O
J-9, Thuraipakkam Police Station,
Thuraipakkam, Chennai - 600 096
(Crime No.540 of 2021)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.540 of 2021 on the file of the respondent police.

For Petitioners : Mr.S. Anantha Krishnan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(i) of IPC r/w 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1988 in Crime No.540 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners erected a water tank in waste land and the same was questioned by the defacto complainant. Due to which the petitioners abused the defacto complainant with filthy language. Hence, the defacto complainant has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits the defacto complainant is trying to take possession of the waste land. Hence, in order to protect the same the petitioners erected the water tank. Due to which they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners without obtaining proper permission erected a water tank in waste land and the same was questioned by the defacto complainant. Due to which the petitioners abused the defacto complainant with filthy language However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 receipt of a copy of this order, before the **Judicial Magistrate-II Alandur** on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 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;

(b) the petitioners 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 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]**; and;

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

-sd/-
28/06/2021

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, L AND O,
J-9, THURAIPAKKAM POLICE STATION,
THURAIPAKKAM,
CHENNAI-600 096.

+2 CC to M/S.S.ANANTHA KRISHNAN Advocate on payment of
necessary charges SR.NO.6856

CRL OP.10941/2021

Date :28/06/2021

TA-09/07/2021

WEB COPY