



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11576 of 2021

WEB COPY

1. S.Sugunadevi
2. M.Subramanian

.. Petitioners

Vs.

The State Rep. By
The Inspector of Police,
Manali Police Station,
Chennai.
(Crime No.561 of 2021)

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner's anticipatory bail in the event of their arrest in connection with Crime No.561 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Karthik

For Respondent : Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 427, 465, 468, 471, 448, 420 and 506(i) of IPC in Crime No.561 of 2021 seek anticipatory bail.

2.The case of the prosecution is that on 08.02.2021, the petitioners along with some other persons have tried to trespass into the defacto complainant's property and abused him with filthy language and they broken the defacto complainant's house. Based on the complaint given by the defacto complainant, the case came to be registered.

3.The learned counsel for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He has further submitted that the property was originally belongs to the petitioners and they have filed a suit before the District Munsif Court, Tiruvottriyur in OS.No.17 of 2021 and the same was pending



before the concerned court. The defacto complainant had suppressed the said fact and tried to encroach the petitioners' property. He has further submitted that the petitioners have filed undertaken affidavit. Hence, he prays for granting of anticipatory bail to the petitioners.

WEB COPY

4.The learned Government Advocate (Crl.Side) has submitted that there was a property dispute between the petitioners and the defacto complainant, due to which, the petitioners and other persons had tried to trespass into the defacto complainant's property and abused him with filthy language and broken the defacto complainant's house. Hence, he vehemently opposed for granting of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and in view of the undertaken affidavit filed by the petitioners stating that the petitioners will not trespass into the defacto complainant's property and they will not disturb the defacto complainant, 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 learned Judicial Magistrate, Tiruvottriyur on condition that each of the petitioners shall execute a 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:

(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/-

13/07/2021

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,
TIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANALI POLICE STATION, CHENNAI.

CC to M/S.K.KARTHIK Advocate on payment of necessary charges
Sr.7331

CRL OP.11576/2021

Date :13/07/2021

RVR 22/07/2021