



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11787 of 2021

1. V.K.Kalliappan
2. S.Stalin
3. Arun Kumar
4. P.Madhanraj

... Petitioners

Vs.

State rep by Inspector of Police,  
T-12, Poonamalle Police Station,  
Poonamalle, Chennai-600 056.  
(Crime No.1164 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on anticipatory bail in Crime No.1164 of 2021 on the file of the respondent police.

For Petitioners : Mr.L.Infant Dinesh

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 149, 447, 294(b), 506(i) and 420 of IPC in Crime No.1164 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a shop at Poonamalle, behind his shop, one Kalliappan running a Hotel. In order to develop his hotel, he had asked the defacto complainant's property, but, the same was refused by him. Further, the defacto complainant had approached Velpandi and asked him a hand loan for a sum of Rs.2,00,000/- for interest, for which, he had obtained signature in an empty paper for the purpose of security. Further, the petitioners along with other accused had created forged documents using the empty stamp paper and unlawfully assembled on 26.06.2021 and entered into a shop of the defacto complainant and damaged the properties, assaulted him and gave a life threat to the defacto complainant. Hence, the case was registered against the petitioners on the complaint made by the defacto complainant.



3.The learned counsel appearing for the petitioners submits that A1 had purchased the property, in which, the defacto complainant had illegally encroached and demanded a sum of Rs.11 lakhs to vacate the property. A1 had accepted his demand to in order to recover his property had entered into an agreement with the defacto complainant on 17.06.2021 to deliver the possession of the property for Rs.11 lakhs and the same was received, but, the defacto complainant had not vacated the property and demanded more money to vacate the property. In these circumstances, the defacto complainant had intentionally took his knife and stabbed into Nithish's stomach/A6 and caused severe injury. Hence, the brother of the said Nithish had lodged a complaint against the defacto complainant and FIR was registered in Crime No.1163 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to property dispute between the petitioners and the defacto complainant, a complaint came to be registered. He would further submit that it is a case and case in counter. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that is a case in counter, 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 -II , Poonamalle, Chennai 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/-

16/07/2021

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,  
NO.II, POONAMALLEE, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
T-12, POONAMALLEE POLICE STATION,  
POONAMALLEE, CHENNAI - 600 056.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. L.INFANT DINESH Advocate on payment of necessary charges Sr.7483

CRL OP.11787/2021

Date :16/07/2021

RVR 26/07/2021