



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13130 of 2021

1.A. Velusamy  
2.V. Premalatha

... Petitioners

Vs.

State Represented by  
The Inspector of Police,  
Perumanallur Police Station,  
Tiruppur District.  
(Cr.No.611 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.611 of 2021 on the file of the respondent police.

For Petitioners: Mr.K. Govi Ganesan

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 380 of IPC in Crime No. 611 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant in the petitioners house. The defacto complainant was affected by Corona, hence, the petitioners instructed him to stay away from the house for two days. Thereafter, the defacto complainant stayed away and when he returned the petitioners prevented him from entering into the house and also stolen some valuables belonging to the defacto complainant. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners attacked the defacto complainant when he entering into the house and also stolen some valuables belonging to the defacto



complainant. Hence he opposed for grant of anticipatory bail to the petitioners

5. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Avinashi on condition that the petitioner shall execute a 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 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;

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

-sd/-

29/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,  
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
PERUMANALLUR POLICE STATION,  
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.K.GОВI GANESAN Advocate on payment of necessary  
charges SR NO. 7938

CRL OP.13130/2021

Date :29/07/2021

APN 04/08/2021