



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15302 of 2021

1 R.JANAGAN
2 R.SILU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.1488 OF 2021

[RESPONDENT]

For Petitioner : M/S. S.SIVAKUMAR Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 294(b), 506 (ii) and 309 of IPC in Crime No.1488 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had purchased the property of the petitioner through E-Auction conducted by Repco Home Finance. When the defacto complainant and bank official visited the property, the petitioners threatened them that they will commit suicide by self-immolation by causing life threat to others. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are the owners of the property.



On the date of occurrence, the defacto complainant along with bank officials and others had forcibly entered in to the building of the petitioners and abused them with filthy language. In this regard, the petitioners made a complaint before the respondent police and the same was assigned as CSR.No.235 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits there was e-auction dispute for purchasing petitioners' property between the petitioners and the defacto complainant, the present case has been filed.

5. The learned counsel for the petitioner on instructions submits that the petitioners will not interfere with the officials who come for executing the order passed by the DRT.

6.Considering the facts and circumstances of the case and in view of the undertaking given 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 No.1, Namakkal on condition that each of the petitioners shall execute a separate bonds 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) the petitioners shall not trespass into the defacto complainant's property and they will not disturb the defacto complainant;



(f) 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;

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

-sd/-

26/08/2021

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S. S.SIVAKUMAR Advocate on payment of necessary charges SR.NO.9136

CRL OP.15302/2021

Date :26/08/2021

RW 13/09/2021