

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16096 and 16179 of 2021

1 J.JAYAPAL	[PETITIONERS/ ACCUSED]
2 T.VENKATESAN	[IN CRL.OP.NO.16096/2021]
3 T.SENTHIL	
4 S.ARIVAZHAGAN	
1 N.GUASEKARAN	[PETITIONERS/ ACCUSED]
	[INCRL.OP.NO.16179/2021]
2 R. BALAMURUGAN	

Vs

THE STATE REP BY	[RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,	[IN BORH PETITIONS]
MANDHARAKUPPAM POLICE STATION,	
CUDDALORE DISTRICT	
(CR NO.357/2021)	

For Petitioner : M/S.R.KAANDDEEBAN Advocate
[IN CRL.OP.NO.16096/2021]

: M/S. J.PRADEEP Advocate
[IN CRL.OP.NO.16179/2021]

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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 offences punishable under Sections 147, 324, 384 and 506(i) of IPC in Crime No.357 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband, who is attached to the Virudhachalam Lorry Owners Association, is allowed to operate the lorry service for Tamil Nadu Civil Supplies Corporation Godown situated at Seplanatham Temporary Paddy Procurement Godown. While so, the alleged activities were objected by the petitioner's association and they have prevented the

defacto complainant's husband from loading paddies in the godown. On account of which, the petitioners have assaulted the defacto complainant's husband and also caused him injuries and also seized the lorry of the defacto complainant's husband and demanded a sum of Rs.2,00,000/- from the defacto complainant-wife for the release of the said lorry. 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 there was also a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that there was a commercial dispute between the petitioners lorry association and the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this court is inclined to grant anticipatory bail to these 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 District Munsif-Cum-Judicial Magistrate, Neyveli 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) 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/-
08/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE, MANDHARAKUPPAM
POLICE STATION, CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.KAANDEEBAN Advocate on payment of necessary
charges SR.NO.9912

CRL OP.16096/2021

Date :08/09/2021

CSK 24/09/2021