



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of September Two Thousand Twenty

One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16901 of 2021

1 SYED NASRULLAH

[PETITIONERS / ACCUSED]

2 S.KRISHNA MOORTHY @ KRISHNA

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
TIRUVALLUR,
TIRUVALLUR DISTRICT
CRIME NO. 555/2021

[RESPONDENT]

For Petitioner : M/S.V.KRISHNAKUMAR Advocate

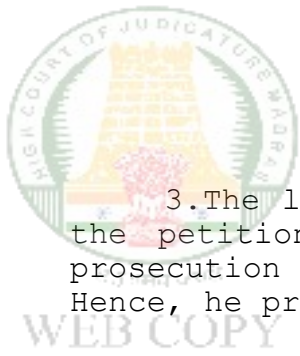
For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. Side)

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), 447, 506(ii) of IPC in Crime No.555 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there are totally 5 accused persons involved in this case, in which, the petitioners herein are A4 and A5 and the Defacto complainant is the Poovalai Village President, Gummidipoondi, Thiruvallur. On 07.08.2021, due to land dispute, the petitioner and other accused have trespassed into the Panchayat land where a crematorium has to be constructed, the same was questioned by the defacto complainant. For which, they have threatened the defacto complainant with dire consequences. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that petitioners have trespassed into the Pachayat land where a crematorium has to be constructed and also threatened the defacto complainant, the present case has been filed.

5. The learned counsel for the petitioners on submits that the petitioners has filed separate affidavits, in which, the petitioners have stated that they will not enter into the Panchayat land where a crematorium has to be constructed.

6. Considering the facts and circumstances of the case and in view of the undertaking given the petitioners stating that they will not enter into the Panchayat land where a crematorium has to be constructed, 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 District Munsif-Cum-Judicial Magistrate, Gummidipoondi on condition that each of the petitioners shall execute 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/-
22/09/2021

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, GUMMIDIPOONDI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
TIRUVALLUR,
TIRUVALLUR DISTRICT.

CC to M/S.V.KRISHNAKUMAR Advocate on payment of necessary charges

CRL OP.16901/2021

Date :22/09/2021

RW 01/10/2021