



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17555 of 2021

1 SIMONRAJARULAPPAN
2 SANTHOSHKUMAR
3 SELVAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
MAPPEDU,
THIRUVALLUR DISTRICT.
CRIME.NO.432/2021.

[RESPONDENT]

For Petitioner : M/S G.MOHANA KRISHNAN Advocate

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

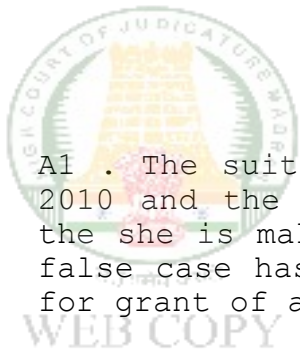
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offense under Sections 147, 148, 294(b), 379, 427, 448, 506(2) r/w 4 of WH Act of IPC in Cr.No.432 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as watch woman for the property in Survey No.30/2 measuring 2.62 Acres in Arakkonam Street, Thodukadu Village. The petitioners entered into the above said land and damaged the hut of the defacto complainant and threatened her with dire consequences. Hence the defacto complainant lodged the complaint against the petitioners, based on which the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the property originally belongs to the petitioner A1 vide document No.9955/2006 registered in SRO Sriperumbudur. The defacto complainant was assigned as watch woman by one Chandrika, who is trying to grab the property from the petitioner



A1 . The suit has been filed by the said Chandrika in W.P.No.3412 of 2010 and the said suit was dismissed on 10.08.2021. Even after that the she is making continuous efforts to grab the property. Hence this false case has been filed by the de-facto complainant. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the defacto complainant had not sustained any injuries. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, since the defacto complainant had not sustained any injuries and also no serious allegations were made against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate II, Thiruvallur, on condition that the petitioners 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 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.

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-sd/-
27/09/2021

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 JUDICIAL MAGISTRATE- II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
MAPPEDU,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S G.MOHANA KRISHNAN Advocate on payment of necessary charges SR.NO.10622

CRL OP.17555/2021

Date :27/09/2021

INBA-05/10/2021