



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17799 of 2021

1 RAVICHANDRAN
2 RAGUL

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU.
(CRIME NO. 481 OF 2021)

[RESPONDENT]

For Petitioner : M/S. T.VIJAYARAGAVAN Advocate

For Respondent : MR. A.GOPINATH, 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 under Sections 341, 294(b), 441, 406, 506(1) IPC subsequently altered to under Sections 341, 294(b), 441, 406, 506(1), 465, 468, 471 IPC in Cr.No.481 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a property to an extent of 1500 Sq.ft. was purchased by the defacto complainant for a sale consideration of Rs.4,30,000/- from Vasantham Promoters through the petitioners and other one person. At the time of purchase, the defacto complainant was informed that the property is situated behind having park area facing south side. Thereafter, the petitioners with an intention to grab the park area, preventing the defacto complainant from not using the said area. When the same was questioned by the defacto complainant, the petitioners abused him in filthy language and also threatened with dire consequences. Thereby, the law enforcing agency registered a case against the petitioners.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioner/A-2 is the owner of the property and there was dispute between the defacto complainant and the petitioner/A-2 regarding sale of his land which was adjacent to the land purchased by the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the defacto complainant purchased a property from Vasantham Promoters through the petitioners and thereafter, the petitioners threatened him with dire consequences and prevented the defacto complainant from using the path. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the matter being civil in nature and there exists some dispute, 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, Chengalpattu, 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.

WEB COPY

-sd/-
04/10/2021

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, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU.

+1 CC to M/S. T.VIJAYARAGAVAN Advocate on payment of necessary charges SR.NO.10937

CRL OP.17799/2021

Date :04/10/2021

RW 12/10/2021