



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18014 of 2021

1 C.KAILESH RAJA [PETITIONERS / ACCUSED]
2 C.RAMESH RAJA
3 C.MUKESH RAJA
4 K.VIKRAM

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
R-3, MADUKKARAI POLICE STATION,
COIMBATORE 641105.
(CRIME NO.500 OF 2021)

For Petitioner : M/S S.EZHILRAJ Advocate

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

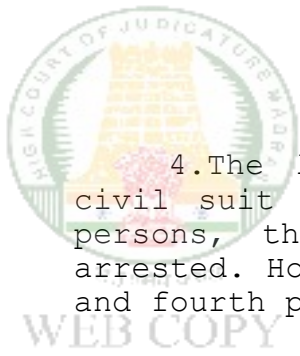
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 427, 447 and 506(1) of IPC in Cr.No.500 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, there arose a wordy quarrel between the petitioners and the de-facto complainant. The petitioners threatened the de-facto complainant with dire consequences and damaged the compound of worth Rs.2,00,000/-. Hence the de-facto complainant lodged a complainant against the petitioners and other accused persons. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the second and fourth petitioners/A3 and A4 submitted that the second and fourth petitioners have not committed any offence as alleged by the prosecution and no one sustained injuries. He further submits that the main accused, first and third petitioners/A1&A2 were already arrested. Hence, the learned counsel prays to grant anticipatory bail to the second and fourth petitioners/A3&A4.



4.The learned Government Advocate (Crl.side) submits that the civil suit is pending in between the parties and the main accused persons, the first and third petitioners/A1 and A2 were already arrested. However, he opposed to grant anticipatory bail to the second and fourth petitioners/A3 & A4 .

5. Considering the facts and circumstances of the case and no one sustained injuries, this Court is inclined to grant anticipatory bail to the second and fourth petitioners/A3 & A4 alone . However, since the first and third petitioners/A1 and A2 are already arrested, nothing survives for further adjudication. Hence, the anticipatory bail petition for accused, first and third petitioners/ A1 and A2 stands closed.

6.Accordingly, the second and fourth petitioners/A3 & A4 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 Hon'ble District Munsif cum Judicial Magistrate, Madukarai, Coimbatore, on condition that the second and fourth petitioners/A3 & A4 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:

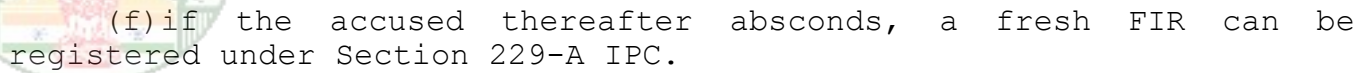
(a)the second and fourth petitioners /A3 & A4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second and fourth petitioners/A3 & A4 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 second and fourth petitioners/A3 & A4 shall not tamper with evidence or witness either during investigation or trial;

(d)the second and fourth petitioners/A3 & A4 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 second and fourth petitioners / A3 & A4 in accordance with law as if the conditions have been imposed and the second and fourth petitioners/ A3 & A4 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;



-sd/-
29/09/2021

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.