



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19058&18896 of 2021

K.RAMAMOORTHY

[PETITIONERS / ACCUSED]
[IN CRL.OP.NO.19058/2021]

A.MANIBALAN

[IN CRL.OP.NO.18896/2021]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.
(CR NO.357/2021)

[RESPONDENT
IN BOTH PETITIONS]

For Petitioner : M/S. A. KANAKA VELAPPAN Advocate[IN BOTH PETITIONS]

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 in Crl.O.P.Nos.19058 & 18896 of 2021, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 324, 147, 384 & 506(i) of I.P.C in Cr.No.357 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the De-facto 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 De-facto Complainant's husband from loading paddies in the godown. On account of which, the petitioners have assaulted the De-facto Complainant's husband and also caused him injuries and also seized the lorry of the De-facto Complainant's husband and demanded a sum of Rs.2,00,000/- from the De-facto Complainant's wife for the release of the said lorry. Hence this complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner's name has not been mentioned in the FIR and on the earlier occasion the co-accused persons were enlarged on bail by this Court in CrI.O.P.Nos.18896 & 19058 of 2021. Hence prays for grant of anticipatory bail.

4.The learned Government Advocate (CrI.Side) submitted that there was a commercial dispute between the petitioners lorry association and the De-facto Complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and since the co-accused persons were enlarged on bail by this Court, this Court is 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 learned District Munsif cum Judicial Magistrate Court, Neyveli, 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)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
26/10/2021

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 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.

+2CC to M/S. A. KANAKA VELAPPAN Advocate on payment of
necessary charges SR.NO.12000+12001

CRL OP.19058&18896/2021

Date :26/10/2021

CSK 01/11/2021