

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20273 of 2020

1.T.Saravanan

2.Malarkodi

3.Ramesh

4.R.Ajay

... Petitioners/Accused Nos.1 to 4

-Vs-

State Rep. by

Inspector of Police,

Vaniyambadi Town Police Station,

Thirupattur District.

(Crime No.2206 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.2206 of 2020 on the file of the Inspector of Police, Vaniyambadi Town Police Station, Thirupattur District, pending investigation.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

(This Case has been heard through video conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 506(i) IPC r/w Section 4 of TNPHW Act and Section 3 of TN PPDL Act, in Crime No.2206 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.12.2020, the petitioners have made renovation work on the wall, when the defacto complainant intervened and questioned the same, the petitioners attacked the defacto complainant and abused her with filthy language.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to a civil dispute. He would further submit that civil suit is pending against the disputed property in O.S.No.101 of 2020 before the learned District Munsif Court, Vaniyambadi. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant are neighbors and there is civil dispute between the parties and the suit is also pending in O.S.No.101 of 2020 before the learned District Munsif Court, Vaniyambadi. He would further submit that the petitioners damaged the compound wall of the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vaniyambadi, on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for the 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, failing which the petition for anticipatory bail shall stand dismissed automatically;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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., and thereafter as and when required.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during investigation or trial.

[h] 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/01/2021

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
THIRUPATTUR DISTRICT.

+1CC to M/S G.VINODHKUMAR Advocate on payment of necessary charges SR NO.182

CRL OP.20273/2020

Date :05/01/2021

MK:19/01/2021