



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19199 of 2021

1 MANIMEGALAI [PETITIONERS / ACCUSED]
2 RAGHUL
3 VINOTH
4 GOPI
5 ARIVAZHAGAN

Vs

STATE REP.BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
VALAVANDHINADU POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.153 OF 2021.

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 447, 294(b), 427 & 506(ii) of IPC & 379 IPC (NP) in Cr.No.153 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that already there was civil dispute between the petitioner/A-1 and the defacto complainant for which the petitioners trespassed into the defacto complainant's banana grove and damaged three banana trees which belong to the defacto complainant. When the same was questioned by the defacto complainant, the petitioners abused and assaulted the defacto complainant 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 been committed any offence as alleged by the prosecution. He further submits that there is a case in counter registered against the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl side) submits that no one sustained injuries in the quarrel.

5. Considering the fact that it appears to be a civil dispute and no one sustained injuries, 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, Sendamangalam**, 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 petitioner/A-2, A-3, A-4 and A-5 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 and the petitioner/A-1 shall appear before the respondent police 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.

-sd/-

08/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
SENDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANDHINADU POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges

CRL OP.19199/2021

Date :08/10/2021

TA-27/10/2021