



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19394 of 2021

1 L.SIVARAJAN
2 V.VELU
3 P.GUNA

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
PALLIKARANAI, CHENNAI - 600 113.
(CRIME NO.1037 OF 2021)

[RESPONDENT]

For Petitioner : M/S. R.KRISHNA KUMAR Advocate

For Respondent : MR.L.BASKARAN, 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 at the hands of the respondent police for the alleged offence under Sections 147, 148, 448, 294(b), 506(2) r/w 109 of I.P.C in Crime No.1037 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners had caused damage to the property belonging to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that based on the civil dispute, the petitioners had preferred a complaint against the defacto complainant, based on which, the case in Crime No.1038 of 2021 under Section 147, 148, 448, 294(b), 427, 506(2) & 109 of IPC came to be registered against the defacto complainant. Further, the learned counsel for the petitioner submits that the defacto complainant had trespassed into the property belonging to the petitioner and caused damage, for which, he has enclosed photographs along with the petition for anticipatory bail. He further submitted that the Court of the Additional District Judge, Alandur had granted injunction in his favour in I.A.No.677 of 2019 in C.S.No.206 of 2019. In spite of the injunction in favour of the



petitioner, the defacto complainant had trespassed into the property and caused damage to it. Accordingly, prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the case comes out of a civil dispute and there is a case in counter. The FIR registered based on the complaint of the petitioners is registered in Crime No.1038 of 2021 and the FIR against these petitioners is registered in Crime no.1037 of 2021.

5. Considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl.Side), 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate No.2, Alandur* 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, out of which, one surety should be a blood related surety, 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 or voter I.D. to ensure their identity;

(b) the petitioners shall report before the Investigating Officer as and when summoned.

(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/-
12/10/2021

WEB COPY

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.2,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT JUDGE,
ALANDUR.

4 THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
PALLIKARANAI, CHENNAI - 600 113.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.KRISHNA KUMAR Advocate on payment of necessary charges SR.NO.11462

CRL OP.19394/2021

Date :12/10/2021

CSK 18/10/2021