

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20812 of 2020

Rajamohan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Devanampattinam Police Station,
Cuddalore District.
(Crime No.187 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.187 of 2020 pending on the file of the respondent.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as 1st accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 147, 148, 448, 427, 465, 468, 471 and 379 of I.P.C. in Crime No.187 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant owned a property at Vannarpalayam Village and having a old dilapidated house therein. He has stayed at Chennai. Taking advantage of the same, the petitioner and other said to have demolished the house and also taken the wooden articles therein. Hence, the present complaint has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is only a resident of the village and he is nothing to do with the occurrence. He would submit that he is a owner of neighbouring land and he has not demolished any house. He would also submit that his name has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with villagers have demolished the house and also taken the household articles therein. Hence, he opposed to grant anticipatory bail.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the allegation that the petitioner is a neighbouring landowner, and so far, nothing was seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is 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 III, Cuddalore on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner 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];

[g] 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/-

08/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DEVNAMPATTINAM POLICE STATION,
CUDDALORE.

CC to M/S C.RAMKUMAR Advocate on payment of necessary charges
Sr.370

CRL OP.20812/2020

Date :08/01/2021

RVR 19/01/2021



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