



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20015 of 2021

RAMESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.1381 OF 2021.

[RESPONDENT]

For Petitioner : M/S P.CHANDRASEKAR Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 436 of I.P.C in Cr.No.1381 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was some dispute between the petitioner and the De-facto Complainant, the petitioner herein along with the other accused person trespassed into the De-facto Complainant's house wherein a wordy quarrel arose between the parties due to which the petitioner had burned her house and the household articles therein which resulted in the registration of FIR.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that when there was a wordy quarrel between the petitioner and the De-facto Complainant, the De-facto Complainant abused the petitioner with filthy language. However on instruction the learned counsel for the petitioner submitted that the petitioner on his own volition, without prejudice to his rights, is ready pay a sum of Rs.75,000/- the compensate the damage caused to the De-facto Complainant's house. Hence he prays for grant of anticipatory bail.



4.The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and that due to the dispute between the petitioner and the De-facto Complainant, the petitioner had entered the De-facto Complainant's house and damaged the household articles.

5. Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner that the petitioner is ready to compensate the damage caused, this court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is 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 Judicial Magistrate-II, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner 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 petitioner shall make a non refundable deposit in favour of the De-facto Complainant for a sum of Rs.75,000/- (Rupees Seventy Five Thousand) by way of demand draft and produce the proof of the same without prejudice to his defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c)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;

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

(e) 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 petitioner 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;

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

-sd/-

27/10/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.20015/2021

Date :27/10/2021

INBA-10/11/2021