



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21039 of 2021

1 KANAGARAJAN
2 KAVITHA
3 VALLI

[PETITIONERS / ACCUSED]

Vs

THE STATION HOUSE OFFICER,
MALLASAMUDRAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.317/2021

[RESPONDENT]

For Petitioner : M/S. M.SUBASH Advocate

For Respondent : MR.A.GOKULAKRISHNAN ADDITIONAL PUBLIC PROSECUTOR

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

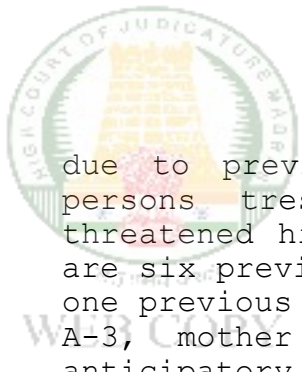
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 294(b), 323, 427, 447, 506(ii) of IPC in Cr.No.317 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners, who are close relatives with other accused persons trespassed into the defacto complainant's house and threatened him with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there is a case which is pending against the petitioners/A-1 and A-2 before the Sub Judge Court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioners are the close relatives and



due to previous enmity, the petitioners along with other accused persons trespassed into the house of defacto complainant and threatened him with dire consequences. He further submits that there are six previous cases pending against the petitioner/A-1 and there is one previous case pending against the petitioners/A-2, wife of A-1 and A-3, mother of A-1. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the previous cases pending against the petitioner/A-1, this Court is not inclined to grant anticipatory bail with regard to petitioner/A-1. Hence, this petition stands dismissed for petitioner/A-1 however, considering the allegation levelled against the petitioners/A-2 and A-3, this Court is inclined to grant anticipatory bail to the petitioners/A-2 and A-3.

6. Accordingly, the petitioners/A2 and A3 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, Tiruchengode, on condition that the petitioners/A2 and A3 shall execute separate 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) the petitioners/A2 and A3 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 petitioners/A2 and A3 shall report before the Attayampatti Police Station, Salem once in a week at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the petitioners/A2 and A3 should not have any communication with the defacto complainant;

(c) the petitioners/A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners/A2 and A3 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.

WEB COPY

-sd/-

09/11/2021

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,
THIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
MALLASAMUDRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.SUBASH Advocate on payment of necessary charges
SR.No.12531

CRL OP.21039/2021

Date :09/11/2021

APN 15/11/2021