



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21304 of 2021

1 MOHAN [PETITIONERS / ACCUSED]
2 SHANTHI
3 RAJU

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.
CR NO.603/2021.

For Petitioner : M/S.G.P.SIVAKUMAR Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 294(b) and 506 (ii) of IPC in Cr.No.603 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was land dispute between the petitioners and the defacto complainant for which the petitioners abused in filthy language and threatened her with knife point. Thereby, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners had a wordy quarrel with the defacto complainant in a land dispute and the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submits that there was property dispute between the petitioners and the defacto complainant for which the petitioners abused and threatened the defacto complainant. He further submits that there are no previous



cases pending against the petitioners. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that there was property dispute between the petitioners and the defacto complainant which is civil in nature, hence this Court 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 **District Munsif cum Judicial Magistrate, Pallipattu** 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 first and third petitioners shall report before the respondent police on every Friday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the second petitioner 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 anticipatory 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/-

15/11/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPATTU, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR.NO.12756

CRL OP.21304/2021

Date :15/11/2021

TA-19/11/2021