



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21517 of 2021

SAMUEL @ VELMURUGAN

... Petitioner

Vs.

State rep. by
The Inspector of Police
Rasipuram Police Station
Namakkal District
(Crime No.1148 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1148 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 324, 506(ii) of IPC read with 3(1) of TNPPDL Act, 1984, in Crime No.1148 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the 2nd wife. Her husband and the 1st wife's son were living with the defacto complainant. While so, the petitioner along with other accused approached the defacto complainant for the loan amount obtained by the 1st wife's son. Since, she denied the same, the accused persons damaged her property and also attacked and threatened the defacto complainant and her family members with dire consequences. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. He would further submit that some of the co-accused have been granted anticipatory bail by this Court in Crl.O.P.No.21272 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection and would submit that the 1st wife's son had executed an unregistered Will and thereby there was a dispute between the parties for property. He would further submit that there are totally 16 accused in this case and that A1, A2, A4, A6, A7, A8, A12 to A14 have been arrested and remanded to judicial custody.

5. Considering the fact that some of the accused have been granted anticipatory bail by this Court and that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Rasipuram, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police on every Friday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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].



[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

17/11/2021

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,
RASIPURAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.12898

CRL OP.21517/2021

Date :17/11/2021

RW 23/11/2021