



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21674 of 2021

1.Ganapathy
2.Kalai Kovan @ Kalai

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
Crime No. 655 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on Anticipatory bail in the event of their arrest in Crime No.655 of 2021 on the file of the respondent.

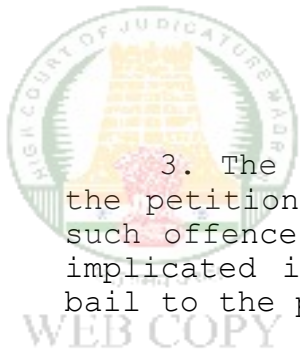
For Petitioners : Mr.E.Kannadasan

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

O R D E R

The petitioners who apprehends arrest for the alleged offences punishable under Sections 294 (b), 341, 342, 323, 324, 506 (ii) of IPC in Crime No.655 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that 28 years prior to the occurrence, the defacto complainant took the lease of 86 cents of land from the Muslim Mosque and after taking lease, the defacto complainant was running a hotel. For the past two years, he leased out the said land to one Nagaraj. Now, the Mosque authorities insisted the defacto complainant to return the land to them, due to that the said land was not used by anyone. In the meanwhile, the first petitioner occupied the land and doing immoral activities of selling illicit arrack and used the same like bar and the defacto complainant questioned the attitude of the petitioners. Due to which, the petitioners attacked the petitioners with iron rod and threatened them with dire consequences and also caused injuries to them. Hence, the complaint.



3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that there are totally three accused in this case. He further submits that there are three previous cases as against the first petitioner /A1 and A2 was arrested and enlarged on bail and there is no previous case as against the second petitioner/A3. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and also considering the fact that there are no previous cases pending as against the second petitioner/A-3, this Court is inclined to grant anticipatory bail to the second petitioners/A-3, and with regard to A1/first petitioner, he is having three previous cases pending against him, this court not inclined to grant bail to the A1/first petitioner.

6. Accordingly, the second 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 No.1, Krishnagiri on condition that the second petitioner 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:

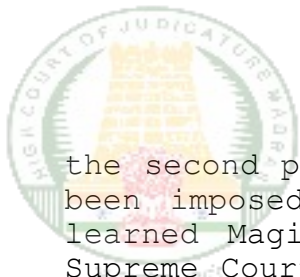
(a) the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner 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;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second 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 second petitioner in accordance with law as if the conditions has been imposed and the second petitioner is 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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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second petitioners stands ordered as above.

-sd/-

18/11/2021

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,
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.No.13000

CRL OP.21674/2021

Date :18/11/2021

APN 26/11/2021