



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

Cr1.O.P.No.21774 of 2021

1. A.Periyasamy
2. P.Mathiyazhagan ... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Moolanur Police Station,
Tirupur District.
(Crime No.679 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to grant Anticipatory Bail to the petitioners in the event of their arrest or on their appearance before any court in connection with the case in Crime No.679 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.N.Manoharan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 379, 294(b) and 506(ii) of IPC, in Crime No.679 of 2021, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners and other accused due to land dispute, the petitioners trespassed the defacto complainant's land and also threatened him with dire consequences. Hence, a case has been registered as against the petitioners by the respondent police.



3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Accordingly, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate would submit that there is no injury and investigation is almost completed.

5.Considering the facts and circumstances and considering the fact that there is no injury, this Court is inclined to grant 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 Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter 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 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/-
19/11/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.MANOCHARAN Advocate on payment of necessary charges SR.NO.13057

CRL OP.21774/2021

Date :19/11/2021

JPA 23/11/2021