



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

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

Crl.O.P.No.22447 of 2021

1.Chellamuthu
2.Sivakumar
3.Ramalingam
4.Nallasamy

... Petitioners

Vs.

The State
Rep. by The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
Cr.No.694 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.694 of 2021, on the file of the respondent police.

For Petitioner : Mr.M.Guruprasad

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) and 506(ii) of IPC, in Crime No.694 of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the de facto complainant, as a result of which, the informant is the owner of the property in S.No.1248/2, Chinnamarudur Village, Madhavanayakenpatti. The 1st petitioner was residing in the informant property with the permission and consent of the informant. Thereafter, the informant instructed the 1st petitioner to vacate the premises, but the 1st petitioner did not vacate the above said premises. In this regard, there is a Civil suit pending in O.S.No.238 of 2015, on the file of the learned District Munsif Court, Dharapuram, for the relief of declaration and possession at the instance of the informant. In this situation, now



it is alleged that the petitioners had demolished the property on 07.11.2021 and when their act was questioned, the petitioners alleged to have abused and threatened with dire consequences.

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3. The learned counsel for the petitioner would submit that the petitioners deny all these allegations made against them as false and incorrect. He would further state that the petitioners are innocent and they did not commit any offence as alleged by the prosecution. In fact, the petitioners had denied the title of the informant and the 1st petitioner is the owner of the property. The house got collapsed due to heavy rain. Taking advantage of the situation, the informant lodged a false complaint against these petitioners in order to wreck his vengeance.

4. The learned Government Advocate submitted that there are no previous cases pending against these petitioners and investigation is almost completed.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that there are no previous cases pending against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, these 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 on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram, on condition that each of 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 condition that:

[a] the petitioners 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 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].

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

-sd/-
26/11/2021

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, TIRUPPUR DISTRICT.

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.

+1CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.13570

CRL OP.22447/2021

Date :26/11/2021

CSK 03/12/2021