



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.24201 of 2021

1 MARRIYA DHOSS
2 VASANTH KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.1148/2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.T.JEGAN INBARAJ Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Crl. Side)

For Defacto Complainant: MR.MOHAMED IBRAHIM Advocate

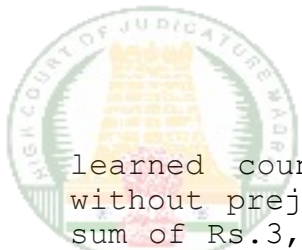
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324 & 506(2) of I.P.C & Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Cr.No.1148 of 2021, seeks anticipatory bail.

2. This is the third Anticipatory bail petition. The case of the prosecution is that due to previous enmity and dispute over land, the petitioners along with other accused damaged the compound wall and trespassed into the shop of the De-facto Complainant and caused damages to his shop and scolded him by using filthy language and also assaulted him with deadly weapons. Thereby the De-facto Complainant had sustained severe injuries.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they been falsely implicated in this case. Further,



learned counsel for the petitioners on instructions submits that without prejudice their rights, the petitioners are willing to pay a sum of Rs.3,00,000/- vide demand draft bearing No.818499 in favour of the De-facto Complainant towards the alleged damage caused and the injuries sustained by the De-facto Complainant and has placed the proof of the same before this Court.

4. The De-facto Complainant appeared before this Court and received the Demand Draft for a sum of Rs.3,00,000/- from the learned counsel for the petitioners and the same is recorded.

5. The fact remains that earlier anticipatory bail petitions moved by the petitioners before this Court were dismissed. Further it is brought to the notice of this Court that subsequent to the dismissal of the anticipatory bail petitions, the petitioners have moved a Special Leave Application before the Hon'ble Apex Court which was also dismissed. However, in view of the fact that the petitioners are ready to pay a sum of Rs.3,00,000/- in favour of the De-facto Complainant towards the alleged damage caused and injuries sustained by the De-facto complainant and has also placed the proof of the same before this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate Court - II, Ponneri, 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The 1st Respondent had vehemently opposed grant of bail stating the arrest of the petitioners is necessary for investigation and on that basis, this Court as well as the Apex Court had dismissed the petition for Anticipatory bail. In spite of the said dismissal, the 1st Respondent has not taken any steps to apprehend the accused. In view of the inaction on the part of the 1st Respondent, this Court deems it fit and necessary to issue a Direction to the Superintendent of Police to take appropriate action against the Erring 1st Respondent.

8. Accordingly, Registry is directed to communicate the copy of this Order to the Superintendent of Police, Thiruvallur District. On receipt of the same, the Superintendent of Police, Thiruvallur District is directed to take action against 1st Respondent who has not taken any steps to apprehend and arrest the accused person in spite of the dismissal of the petitions by this Court as well as the Hon'ble Apex Court.

-sd/-

20/12/2021

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-II,
PONNERI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT OF POLICE,
THIRUVALLUR DISTRICT.

CC to M/S.T.JEGAN INBARAJ Advocate on payment of necessary
charges

CRL OP.24201/2021

Date :20/12/2021

CSK 21/12/2021