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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24890 of 2021

1.Elumalai
2.Gunasekaran

... Petitioners

Versus

State represented by
The Inspector of Police,
Gingeeh Police Station,
Villupuram.

(*) (Crime No.992 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.928 of 2021 on the file of the respondent police.

For Petitioners: Mr.V.R.Appaswamee

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
(CRL.O.P.NO.24890/2021)

For Respondent : MR.L.BASKARAN,
Govt. Advocate (Crl. Side)
(CRL.M.P.NO.3060/2022 IN CRL.O.P.NO.24890/2021)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged **(*)offences under Sections 447, of IPC r/w Section 3 of PPDL Act**, in **(*) (Crime No.992 of 2021)** seeks anticipatory bail.

2. The case of the prosecution is that on 20.11.2021, one Velu resident of the same Village lodged a complaint before the respondent police stating that the petitioners herein are trying to lay a hills road to Singavarana Aranganathar Temple without any authority. The further allegation against the petitioners is that when the same was



questioned, the petitioners had threatened the defacto complainant with dire consequences. Hence, the complaint.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the injured discharged. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Gingee, on condition that the petitioners 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 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 on every Saturday at 10.30 a.m., until further orders;

(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.

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-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.

(*)Corrected Order and Amended as per order of this Court dated 10/03/2022 made in CRL.MP.NO.3060/2022 IN CRL.O.P.NO.24890/2021.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILUPPURAM DISTRICT.

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

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.3713

CRL OP.24890/2021

Date :20/12/2021

RW 29/12/2021

TA-28/03/2022