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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

CRL.O.P.No.25882 of 2021

1. R.Ramanan
2. Vignesh

... Petitioners

Versus

State Rep by
The Inspector of Police
B-7, Vellavedu Police Station,
Vellavedu, Tiruvallur.
(Crime No.663 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.663 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S.Nathan and Associates

For Respondent : Mr.L.A.J.Selvam
Government Advocate (Crl. Side)

Order

The petitioners, who apprehends arrest for the alleged offences under Section 341, 294(b) and 506(i) of IPC in Cr.No.663 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant went along with his friends, the petitioners waylaid them and abused them in filthy language and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioners are trustees of the temple and they have been falsely implicated in this case. Since, the petitioners being the trustees of the temple, they have taken some initiative as against the defacto complainant for removing the encroachment of the temple land, the defacto complainant has given a false complaint. He further submits that no one sustained injuries. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submits that the petitioners are alleged to have waylaid the defacto complainant and abused him in filthy language and also degraded his community. He further submits that there are two previous cases pending against A1 and one previous case pending against A2. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Though the learned Government Advocate referred that the petitioners are having previous cases, they are serving as trustees of a temple and attempted to evict the encroachment of the temple land and also considering that no one sustained injuries, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, II, Ponnammallee, 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) the petitioners 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 petitioners are directed to report before the respondent police daily 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 anticipatory 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/-
29/12/2021

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,
NO.II, PONNAMALLEE,
THIRUVALLUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
B-7, VELLAVEDU POLICE STATION,
VELLAVEDU, TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.NATHAN AND ASSOCIATES Advocate on payment of
necessary charges SR.NO.15701

CRL OP.25882/2021

Date :29/12/2021

RW 30/12/2021