



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Crl.O.P.No.25926 of 2021

1.Mr.Rathinasabapathy
2.Mr.Sivaramakrishnan
3.Mrs.Meena Rathinasabapathy ... Petitioners

Vs.

The State rep. by
The Sub- Inspector of Police,
G3 Kilpauk Police Station,
Chennai-600 010.
(Crime No.139 of 2019) ... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.139 of 2019 on the file of the respondent police.

For Petitioners : M/s.Norton and Grant

For Respondent : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506(ii) and 379 of IPC in Crime No.139 of 2019, on the file of the respondent police, and they have filed this petition seeking for anticipatory bail.

2. The petitioners and the defacto complainant are neighbours. The case of the prosecution is that on 31.01.2019, at about 01.45 p.m. the petitioners said to have demolished the compound wall constructed by the defacto complainant with the help of JCB, which was attempted to be recorded by the servant of him, he was threatened with dire consequences by the petitioners. In the said circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail.



3. The learned counsel appearing for petitioners would submit that already the defacto complainant and her relatives have filed a civil suit in O.S.No. 6626 of 2014 against 1st and 3rd petitioners regarding dispute over the property and the same is pending. While being so, due to previous enmity, the defacto complainant has lodged the present false complaint as if they have demolished the compound wall constructed by her and also alleged that she was threatened with dire consequences. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to property dispute, there was a wordy quarrel between them, as a result of which, the petitioners have abused her in filthy language, thereby no injury caused to her. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that on the date of occurrence, due to previous enmity, there was a wordy quarrel between the parties, thereby the petitioners have abused the defacto complainant in filthy language, and no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

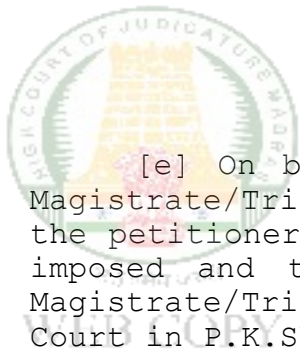
6. Accordingly, the Criminal Original Petition is allowed. The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned II Metropolitan Magistrate, Egmore Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c]the petitioners shall not tamper with the 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 are 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
G3 KILPAUK POLICE STATION,
CHENNAI-600 010

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.NORTON AND GRANT Advocate on payment of necessary charges SR.NO.62

CRL OP.25926/2021

Date :29/12/2021

JPA 04/01/2022