



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.699 of 2022

1.G.Peter Ronald @ Ronald
2.M.Manikandan

...Petitioners

Versus

State by its,
Inspector of Police,
Ambalamoola Police Station,
The Nilgiris - 643 240.
(Crime No.93 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.93 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Ramamoorthy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 447 and 379 of IPC, in Crime No.93 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner has brought down two silver Oak Trees in the Government Land in Moonanadu S.F.No.503/6 with the aid of the Manikandan/accused No.2 by using the Hitachi, in which Manikandan was the driver and was also found digging soil from the said land and when the defacto complainant and the Village Administrative Officer of Nelliylam II Village, intervened, the accused persons have prevented them from discharging their official duty and after a struggle the defacto complainant was able to seize the Hitachi vehicle used for committing the offence and brought it to Ambalamoola Police Station and has preferred 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 he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.20,000/- (each) to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioners have committed Mischief by bringing down two silver Oak Trees to a weight of 1 ton in total, which worth about Rs.30,000/- each and remaining Silver Oak trees in six pieces are seized from the place of occurrence. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submission made by the learned Additional Public Prosecutor, 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 his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Pandalur, Nilgiris, on condition that the petitioner 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 are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousands only) (each) to the credit of Crime No.93 of 2021 before the learned Judicial Magistrate, Pandalur, Nilgiris, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below and the defacto complainant is not permitted to withdraw the same.

[b] 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.

[c] the petitioners are directed to appear before respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;



[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 petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

28/01/2022

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,
PANDALUR, THE NILGIRIS.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBALAMoola POLICE STATION,
THE NILGIRIS-643240

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.RAMAMOORTHY Advocate on payment of necessary
charges SR.NO.1415

CRL OP.699/2022

Date :28/01/2022

RW 04/02/2022