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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2344 of 2022

1.Muvarasan
2.Ambika
3.Sathya
4.Annakili
5.Kaveri @ Parimala
6.Parthiban
7.Anjali
8.Poongothai
9.Arumugam ... Petitioners

Versus

The Inspector of Police,
C-3 Manimangalam Police Station,
Kancheepuram.
(Crime No.980 of 2021) ... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest at the hands of the respondent police pending investigation in Crime No.980 of 2021 on the file of the Inspector of Police, Manimangalam Police Station, Kancheepuram District.

For Petitioners : Mr.R.Mukesh Kannah

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 465, 467, 468, 471, 472, 427, 506(I) of IPC in Crime No.980 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that the petitioners has tried to trespass into the defacto complainant land which have lying in the Venjuvancheri Grama Panchayat on the year 2019, for that the defacto complainant has lodged a complaint before the respondent police and the respondent police has enquired the petitioners and on the time of enquiry all petitioners has appeared before the respondent police, on

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the above complaint they assured that will not go into the premises of the defacto complainant and on the enquiry the petitioners given a written statements they will not enter into the premises of the defacto complainant. 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 petitioners created fake documents and claim right over the property, they threatened the defacto complainant, there is a land dispute. 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 directed to be released on bail in the event of arrest or on their 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 - II, Tambaram, 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 1, 6, 9 shall report before the respondent police on every Monday and Saturday at 10.30 a.m., until further orders the petitioners 2, 3, 4, 5, 7, 8 shall report before the respondent police as and when requires for interrogation;

(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;

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(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.

-sd/-
02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
C-3 MANIMANGALAM POLICE STATION,
KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.MUKESH KANNAH Advocate on payment of necessary charges Sr.1699

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Date :02/02/2022

RVR 09/02/2022

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