



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.OP.No.789 of 2022

WEB COPY

1.Govindharaj @ Govindarasu
2.Amirthalingam
3.Yuvaraj
4.Arun @ Arunraj

... Petitioners

Vs.

The State rep.by
Sub-Inspector of Police,
Meenusurutty Police Station,
Ariyalur District.
Crime No. 496 of 2021

...Respondent

Prayer: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.496 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(2) of IPC in Crime No.496 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who cut the trees proximity to the defacto complainant's house and there was some wordy quarrel between the petitioners and the defacto complainant and the petitioners used filthy language and attacked the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not been committed any such offences as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor raised objection and stated that the petitioners cut the trees in front of the defacto complainant's house. They used filthy language and attacked the defacto complainant. He further submitted that cutting of trees will vandalize the environment. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioners.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No-II, Jayakondam on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each with two sureties 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 shall report before the respondent police on Tuesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an 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;

[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 has 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]; and;



[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

12/01/2022

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,
NO.II, JAYAKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

3 THE SUB- INSPECTOR OF POLICE,
MEENUSURUTTY POLICE STATION,
ARIYALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M.SELVAM Advocate on payment of necessary charges

CRL OP.789/2022

Date :12/01/2022

RVR 21/01/2022