



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2318 of 2022

1.H.Thamemansari
2.H.Sirajdeen

... Petitioners

Versus

The State represented by
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.36 of 2022)

... 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 in Crime No.36 of 2022 by the respondent police.

For Petitioners : Mr.M.Ragul Gandhi

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), 341, 352, 356, 392, 506(I) of IPC in Crime No.36 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one and half years before defacto complainant is doing whole sale business of buying and selling the goat. On 11.08.2020 defacto complainant purchased 128 goats from Chennai and transported the same through Bolero Pickup while the vehicle reach near Perambalur, Tirumandurai toll plaza in the afternoon accused and other persons stopped the vehicle by using filthy language and robbed the vehicle along with 128 goats later through enquiry defacto complainant came to know that petitioners were done the above said fact because of give and take dispute between 2nd petitioner and one Velayudham. 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 there is a money dispute between the 2nd petitioner and one Velayudham. 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, Kunnam, 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 petitioners are directed to deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) [each Rs.35,000/-] to the credit of the Crime No.36 of 2022 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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 report before the respondent police daily at 10.30 a.m., until further orders;

[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 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].

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

-sd/-
02/02/2022

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,
KUNNAM.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.RAGUL GANDHI Advocate on payment of necessary charges SR.NO.1811

CRL OP.2318/2022

Date :02/02/2022

MK:04/02/2022