



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2555 of 2022

1. Madurai Meenashi
2. Saravanan
3. Shanmugham
4. Mohana Sundaram
5. Anjali Devi
6. Amudha

... Petitioners

Versus

State Rep by
The Inspector of Police
E-1, Ponneri Police Station,
Ponneri,
Thiruvallur District.
(Crime No.25 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.25 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.P.Sathya Murthy

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

Order

The petitioners, who apprehends arrest for the alleged offences under Section 294(b), 324, 506(ii) of IPC r/w 3 of TNPPD Act in Cr.No.25 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives and there was a pathway dispute between them. In which, the petitioners are alleged to have damaged the roof of the defacto complainant's house worth about Rs.10,000/-. 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 the defacto complainant has only sustained simple injuries. He further submitted that the defacto complainant has encroached the property of the petitioners and there is also a civil suit pending before the trial Court. However, on instructions, submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- directly to the defacto complainant. Hence he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted there was a pathway dispute between them. In which, the petitioners are alleged to have damaged the roof of the defacto complainant's house worth about Rs.10,000/-. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

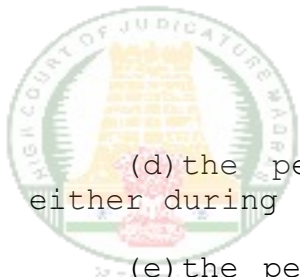
5. Considering that the defacto complainant had sustained only simple injuries and that the case is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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.1, Ponneri, Thiruvallur District, on condition that the petitioners 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 petitioner shall pay an amount of Rs.10,000/- directly to the defacto complainant and get due acknowledgment from him and produce the same before the learned Judicial Magistrate No.1, Ponneri, Thiruvallur District at the time of executing sureties.

(b)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;

(c)the petitioners/A2, A3 and A4 shall appear before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the petitioners/A1, A5 and A6 shall appear before the respondent police 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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

04/02/2022

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 NO.I,
PONNERI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
E-1, PONNENRI POLICE STATION,
PONNERI, THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.SURESH KUMAR Advocate on payment of necessary charges SR.NO.2037

CRL OP.2555/2022

Date :04/02/2022

INBA~09/02/2022