



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2703 of 2022

WEB COPY

1.Perajohn @ Deen
2.Aniba @ Haniba
3.Mohamed Ali

... Petitioners

Vs.

The Inspector of Police,
Gingee Police Station, Gingee
Villuppuram District.
(Crime No.45 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioners on bail in Crime No.45/2022, on the file of the respondent police pending investigation.

For Petitioners : Mr.K.G.Senthil Kumar

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

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 341, 294(b), 323, 324, 307 of IPC r/w Section 3 of Tamil Nadu Public property (Prevention of Damage and Loss) Act, 1992 in Cr.No.45 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused is driving a private taxi and that his brother Amir Basha was married with one Barjana and the said Barjana had left his brother two months back and as a result his brother Amir Basha had posted in his face book that the petitioner herein was the reason for the breakup and as a result, there was a dispute between the defacto complainant and the first accused. It is further alleged that when the defacto complainant was alleged to be standing near the school in his locality at about 7.45 a.m., the first accused is alleged to standing near the school in his locality, the petitioners alleged to have abused the defacto complainant and asked why the defacto complainant's brother had put such a post in the face book and



attacked him with deadly weapons and caused injuries on him. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.30,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the investigation was almost completed and he further submits that there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and the investigation was almost completed and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.30,000/- for charitable purpose, 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 Gingee, 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 and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.45 of 2022 before the concerned Magistrate within a period of three weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, defacto complainant is permitted to withdraw the said deposit amount of Rs.30,000/- on proper identification and acknowledgment;

(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 shall report before the respondent police Tuesday 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 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;

(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,
GINGEE, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
GINGEE, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary charges sr.1973

CRL OP.2703/2022

Date :04/02/2022

RVR 11/02/2022