



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3750 of 2022

A.KUPPUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KONDALAMAPATTI POLICE STATION,
SALEM CITY.
(CR.NO. 838/2021)

[RESPONDENT]

For Petitioner : M/S. A.M.ESAKKIAPPAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 294(b), 447, 426, 427 and 506(ii) of IPC, in Crime No.838 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.11.2021 at about 12.15 p.m., due to civil dispute the petitioner along with other accused persons trespassed into the defacto complainant's land and abused him with filthy language. They also damaged the fencing stone kept in the land and further they threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner, without prejudice to his rights, he is ready and willing to deposit Rs.7,500/- before the court concerned. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are totally 15 accused, in which the petitioner is arrayed as A-15. He would further submit that on the occurrence day, the petitioner along with other accused persons entered into the field of the defacto complainant and caused damage worth Rs.1,00,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 147, 294(b), 447, 426, 427 and 506(ii) of IPC. Considering the fact that the petitioner on his own volition is ready and willing to deposit a sum of Rs.7,500/- before the court concerned, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate V, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix his 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) as undertaken by the petitioner on his own volition, the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Cr.No.838 of 2021 (on the file of the respondent police) before the Judicial Magistrate-V, Salem, under necessary receipt. The above deposit is made without prejudice to his defence before the trial court and the petitioner shall submit proof of deposit of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 15 days and thereafter, as and when required for investigation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

16/02/2022

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-V,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KONDALAMAPATTI POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.M.ESAKKIAPPAN Advocate on payment of necessary charges SR.No.2442

CRL OP.3750/2022

Date :16/02/2022

CSK 22/02/2022