



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8067 of 2022

1 KALAIMANI
2 RAVIKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ANAIKUT POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO.61 OF 2022.

[RESPONDENT]

For Petitioners : M/S.R.RAGAVENDRAN 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 petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 353, 506(1) of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 in Crime No.61 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioners are apprehending arrest on the complaint given by the BDO authorities alleging that the petitioners herein had unauthorizedly demolishing the panchayat building and when he was questioned by the BDO authorities, he threatened the defacto complainant.

3. The learned Counsel for the petitioners states that, due to political rivalry false case has been lodged against him. He further states that for the demolishing of the building, the petitioners had participated in the tender, but due to political pressure, the tender was offered to other persons with connivance of the BDO/defacto complainant and that was opposed by the villager and thereafter the defacto complainant has come out with the false complaint.



4. Considering the statement of the learned Government Advocate (Crl. Side) that the portion of the building was demolished by the petitioners through JCB and the petitioners were intimidated by the BDO when his action was questioned, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each in this Criminal Original Petition (Crime No. 61 of 2022) and shall participate in the enquiry without fail.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate cum District Munsif, Cheyyur on condition that the petitioners shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime Number 61 of 2022 before the Judicial Magistrate cum District Munsif, Cheyyur. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the sum of Rs.25,000/- was deposited by the petitioners to the credit of Crime Number 61 of 2022.

(b) the petitioners 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;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall report before the Investigating Officer as and when required for interrogation.

(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 has 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/-
07/04/2022

WEB COPY

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,
CUM DISTRICT MUNSIF, CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ANAICUT POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.RAGAVENDRAN Advocate on payment of necessary charges SR.NO. 5329

CRL OP.8067/2022

Date :07/04/2022

JPA 12/04/2022