



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10559 of 2022

1 ARUN

[PETITIONERS / ACCUSED]

2 SURENDHAR @ VELU

3 AJITH

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

PONNERI POLICE STATION,

THIRUVALLUR DISTRICT.

CRIME NO.116 OF 2022.

For Petitioner : M/S.S.SILAMBUSELVAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Government 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), 427 & 506(ii) of IPC in Crime No.116 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side).

3. The case of the prosecution is that due to previous enmity, on 26.04.2022 at about 7.30 p.m, the petitioners have trespassed into the defacto complainant's house and abused him and his family members in filthy language and damaged the properties, belonging to the defacto complainant. Thereby, the law enforcing agency registered a case against the petitioners.



4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.side) submitted that the petitioners have trespassed into the defacto complainant's house, damaged the properties and threatened him with dire consequences. Further, it is submitted that no one sustained injuries in the alleged occurrence.

6. It is seen from the submissions of the learned counsel appearing for the parties that, in connection with the previous enmity, the petitioners said to have trespassed into the house of the defacto complainant and caused damage to the properties including two wheeler and electronic appliances. Further, it is seen from the F.I.R that, the value of the properties damaged has not been given and that except Section 506(ii), other offences are bailable in nature. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 XVI Metropolitan Magistrate Court, George Town, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- each (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:

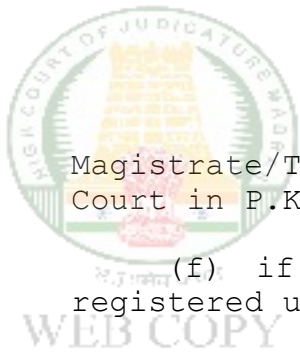
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioners shall report before the Respondent Police daily at 10.30.a.m., until further orders;

(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 has 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/-

05/05/2022

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary charges SR.NO. 6733

CRL OP.10559/2022

Date :05/05/2022

RW 11/05/2022