



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11039 of 2022

1 ARUN PRADEEP
2 R THANGAVEL
3 S DHANABALASAMY
4 P DHANDAPANI

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
KANGEYAM, TIRUPPUR DISTRICT
CR.NO.245/2022

[RESPONDENT]

For Petitioner : M/S. C.PRAKASAM Advocate

For Respondent : MR.S.SUGENDRAN, 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 offences under sections 147, 148, 294(b), 427, 452 and 506(ii) of IPC in Crime No. 245 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 3 are running the petrol bunk for more than seven years. On 04.05.2022, the petitioners trespassed into the petrol bunk with deadly weapons and caused damage to the properties therein and also threatened them with dire consequences. Hence, the case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they had been falsely implicated in this case. Hence, he pleads for anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent police opposed to grant anticipatory bail to the petitioners. He further submitted that a case in counter has been registered against the de-facto complainant.

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5. On perusal of the records, it is seen that the petitioners threatened the de-facto complainant and caused damage to the petrol bunk and C.C.T.V cameras. They have also damaged 50 cotton drums and office mirrors by using iron rods. There is no specific overt-act attributed as against these petitioners. Admittedly, no one has sustained injury. It is also submitted by the learned counsel for the petitioners that now the petitioners 1 and 3, who are the owners of the petrol bunk, are ready and willing to vacate the petrol bunk.

6. Considering the above said facts and circumstances of the case and that no one has sustained injury, custodial interrogation of the petitioners is not necessary. 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 fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Kangeyam, Tiruppur on condition that the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each 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 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 as and when required for interrogation;

(d) the petitioners 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 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;



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

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-sd/-

12/05/2022

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 JUDICIAL MAGISTRATE,
KANGEYAM, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
KANGEYAM, TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.PRAKASAM Advocate on payment of necessary charges
Sr.7099

CRL OP.11039/2022

Date :12/05/2022

RVR 16/05/2022