



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

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.13045 of 2022

1 VAITHEESVARAN [PETITIONERS / ACCUSED]
2 BOOMISWARAN
3 SANJAI @ TAMILVANAN

Vs

THE STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPET DISTRICT.
CRIME NO.140 OF 2022

For Petitioner : M/S.B.KUMARASAMY Advocate

For Respondent : MR. N.MUTHUVEL, Govt. Advocate (CrI. Side)

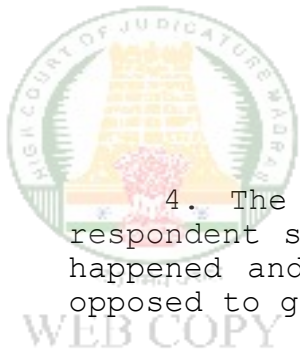
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.140 of 2022, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners entered into the premises of one Mani and caused damages to his Lemon Tree and also attacked his wife with hands. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and due to property dispute between the petitioners and the defacto complainant, a false case has been foisted against the petitioners. He would further submit that there are counter cases in Crime Nos.137 of 2022 and 138 of 2022 against the defacto complainant. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to property dispute the occurrence had happened and no one was injured in the said incident. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above fact that there is no injury in this case and also the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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, Cheyyur, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[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 have been imposed and the petitioners are 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].



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

01/06/2022

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,
CHEYYUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges
Sr.8461

CRL OP.13045/2022

Date :01/06/2022

RVR 03/06/2022