



Crl.O.P.No.22695 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Prakash
2. Thavittammal

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
Crime No.371 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail relating to Crime No.371 of 2022 on
the file of the Inspector of Police, Thirunavalur Police Station, Kallakurichi
District.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 294(b), 353, 506(ii) and 309 of IPC, in Crime No.371 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant Mr.J.Kannan is working as a Block Development Officer (V.P), Thirunavalur and the petitioners had encroached the Government Natham land in Athur Village. When the defacto complainant along with the other officials initiated eviction proceedings against the petitioners' encroachment of the Government Natham land in Athur Village, to enforce the order of this Court, the petitioners along with the other accused abused the defacto complainant and the other officials in filthy language and criminally intimidated the VAO and other officials and also threatened them to commit suicide. Hence the complaint.



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3. The learned counsel appearing for the petitioners would submit that the defacto complainant and the other officials initiated eviction proceedings without following the procedure contemplated under Law and when it was objected to by A1, a false complaint has been given as against A1 and the petitioners herein. He would also submit that the 1st petitioner is the son of A1 and the 2nd petitioner is the wife of A1. Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners along with A1 had abused the defacto complainant and intimidated them and also threatened to commit suicide. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioners from 26.08.2022, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **learned Judicial Magistrate Court-II, Ulundurpet**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required;



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[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness 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 have 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]**;

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

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To

1. The Judicial Magistrate-II,
Ulundurpet.
2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
3. The Superintendent,
Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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