



Crl.O.P.No.31447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31447 of 2024

LINGADURAI

S/o. Kanagaraj, No.4/133, Mannan Vilai Post,
Poochikadu Village, Thiruchendur Taluk,
Thoothukkudi District. and another

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police
Oragadam Police Station, Kanchipuram District.
Cr.No.223 of 2024.

Respondent(s)

For Petitioner(s):

Muthupandi V
S. Ramesh
N.Mohana Priya

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offence initially as “Man missing” later altered for the offences punishable under Sections 342, 346, 294(b), 323, 364 and 307 of IPC in Crime No.223 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with



other accused are offenders under the COPTA Act and they abused and assaulted the defacto complainant, on suspecting that the defacto complainant had stolen the material from their godown. It is further stated that they poured petrol on the defacto complainant and threatened him with dire consequences. Hence, this case.

3. Learned counsel appearing for petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the co-accused was arrested and released on bail by this Court vide order dated 05.12.2024 in Crl.O.P.No.30418 of 2024. He also submitted that the petitioners are ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners stating that the petitioners along with other accused person, on suspecting that the defacto complainant had stolen some materials from their godown, abused and assaulted the defacto complainant, further poured petrol on the defacto complainant and threatened him with dire consequences.



WEB COPY

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before **the learned Judicial Magistrate, Sriperumbudur** on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



Crl.O.P.No.31447 of 2024

the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

WEB COPY

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with 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 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 269 of B.N.S.

17.12.2024

stn

To



Crl.O.P.No.31447 of 2024

1. State Rep.By, The Inspector Of Police
Oragadam Police Station,
Kanchipuram District.
Cr.No.223 of 2024.

A.D. JAGADISH CHANDIRA, J.

stn



WEB COPY



Crl.O.P.No.31447 of 2024

Crl.O.P. No.31447 of 2024

17.12.2024