

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6250 of 2020

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
(CR.NO.24 OF 2020)

For Petitioner : M/S. G.PUGAZHENTHI Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S. R.SIVARAMAN, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for alleged offences punishable under sections 147, 294(b), 323, 506(i) I.P.C., r/w Section TNPWH Act in Crime No.24 of 2020, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that, the petitioner and the defacto complainant are relatives. On 10.12.2019 at about 11.00 hours, when the defacto complainant along with her family members ploughing in their lands, the petitioner along with his mother gone to the field of defacto complainant and attacked them. Hence, the present complaint has been filed.

3.Learned Additional Public Prosecutor appearing for the State would submit that already a property dispute is pending between the parties in O.S.No.79 of 2017. The petitioner along with his mother attacked the defacto complainant and her family members with wooden stick. The injuries sustained by the defacto complainant and her family members are simple in nature.

4.Learned counsel for the petitioner would submit that this is only a civil dispute and the parties have to work out their remedies in O.S.No.79 of 2017 and hence, the petitioner herein may be granted anticipatory bail.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6. Taking note of the fact that the petitioner has no previous case and the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Jayankondam, Ariyalur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 conditions that:

[a] the petitioner and 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[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 have 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].

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

-sd/-
18/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary
charges SR.No.5350

CRL OP.6250/2020

Date :18/03/2020

cs 15/04/2020



WEB COPY