

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.OP.No.6826 of 2020

Munusamy @ Aadhi

.... Petitioner

Vs

State by  
The Sub Inspector of Police,  
Vishnu Kanchi Police Station  
Kanchipuram District.  
(Crime No.139 of 2020)

... Respondent

Prayer :-Criminal Original Petition filed under Section 43 8 of Cr.P.C., for anticipatory bail, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.139 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mrs.S.Thankira

Government Advocate [Crl. Side]

**ORDER**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC r/w. Section 4 of the Women Harassment Act and Section 3(1) TNPPDL Act, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives, and there was a dispute among them with regard to land property, owing to which, the petitioner had assaulted the defacto complainant and she sustained injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that with regard to the property, a quarrel had picked up among them sometime in 2019, that the petitioner was assaulted, based on which, a case was registered against the defacto complainant. Now, as a counter case and on the grounds of previous enmity, the defacto complainant had lodged a complaint before the respondent police against the petitioner, and the present FIR came to be registered. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital. However, she opposed this Court granting anticipatory bail to the petitioner.

5. Taking into account the nature of the allegation and that the injured has been discharged from hospital, this court deems it appropriate 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 his appearance, within a period of thirty days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kanchipuram,

on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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]**. सत्यमेव जयते

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

6. In view of the COVID-19 threat perception, this Court directs the respondent police not to conduct any enquiry on the petitioners, till COVID-19 threat perception and the protocol, which the Government issue subsists.

N.SESHASAYEE.J.,

ds

The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C., and also stay home bound / quarantined during the period when COVID-19 threat perception.

**24.03.2020**

Index : Yes / No  
Speaking Order / Non-speaking Order

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To:

1.The Sub Inspector of Police,  
Vishnu Kanchi Police Station  
Kanchipuram District.

2.The Public Prosecutor,  
High Court of Madras, Chennai – 600 104.

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