

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7723 of 2020

Siva @ Sivaganesh (M/20 yrs),
S/o.Govindarasu,
No.4/783, West Street,
Pazhampettai, Thulasenthirapuram Village,
Mannargudi Taluk,
Thiruvarur district. .. Petitioner/Accused No.2

Vs.

State represented by
Inspector of Police,
Paravakottai Police Station,
Thiruvarur District. .. Respondent/Complainant

(Crime No.406 of 2020)

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr.M.P.Yuvaraj
for Mr.Swami Subramanian
For Respondent : Mr.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 294 (b), 323 and 506 (i) of Indian Penal Code, 1882 in Crime No.406 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the family of defacto complainant and petitioner's family. On 07.05.2020, the petitioner, his father and his brother were fighting in a drunken mood and threw a brick which fell on the defacto complainant's house. When the same was questioned by the defacto complainant, the petitioner, his father and his brother abused the defacto complainant in filthy language and threatened her

with dire consequences. On complaint, case has been registered under Sections 294 (b), 323 and 506 (i) of Indian Penal Code, 1882.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Due to boundary dispute, a false case has been foisted against the petitioner and his family members. The petitioner is a permanent resident, he will not abscond and he will cooperate with the investigation. The petitioner is willing to furnish sureties and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on complaint by the defacto complainant, a case has been registered against the petitioner and other accused. The petitioner and his family members damaged the property of the defacto complainant. Investigation is pending and defacto complainant is discharged from the hospital and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of offence, defacto complainant is discharged from hospital and the submissions of the learned counsel on either side, 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 his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of Judicial Magistrate No.II, Mannargudi, Thiruvarur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 Judicial Magistrate No.II, Mannargudi, Thiruvarur District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i)The petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities;

(ii)The petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

(iii)The petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv)On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as laid down in the decision of the Hon'ble Supreme Court reported in **(2005) AIR SCW 5560, [P.K.Shaji Vs. State of Kerala]** and

(v)If the accused thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

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7.Accordingly, the Criminal Original Petition is allowed.

20.05.2020

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Index : Yes / No

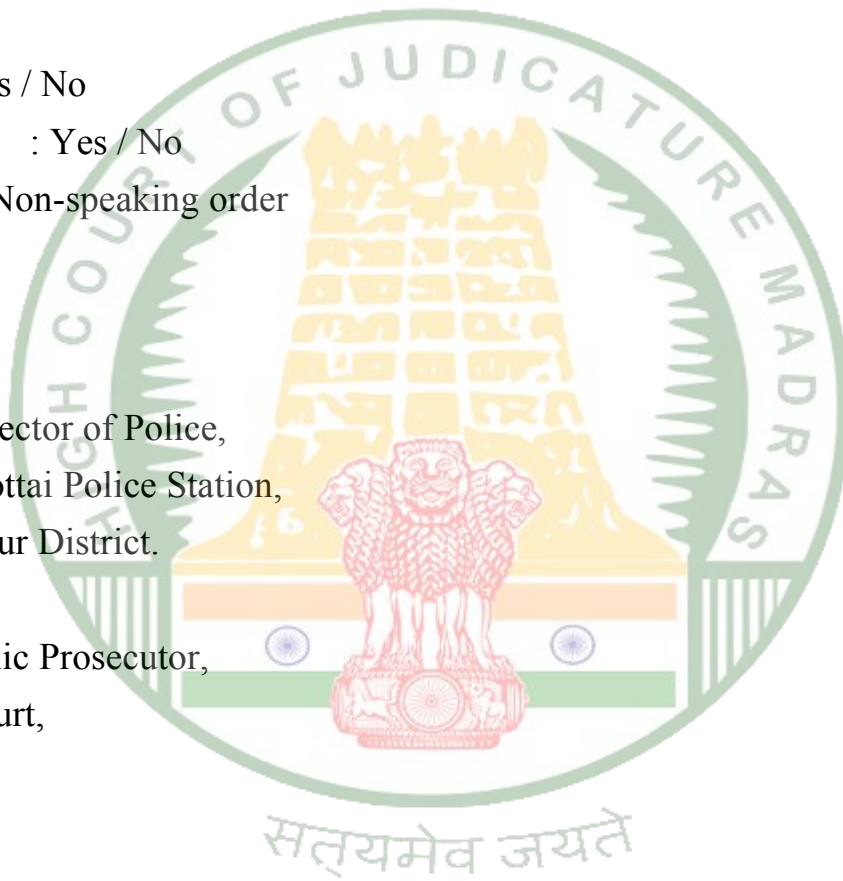
Internet : Yes / No

Speaking/Non-speaking order

To

1.The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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