

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7817 of 2020

Arivuselvan @ Arivinselvam,
S/o. Dhanikodi,
West Street,
Periyakuruvadi, Pallivarthi Village,
Mannargudi Taluk,
Thiruvarur District.

.. Petitioner/ Sole Accused

Vs.

The State rep. by its
The Inspector of Police,
Vikkipandiyam Police Station,
Thiruvarur District.
[Crime No. 122 of 2020]

.. Respondent/ Complainant

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

For Petitioner

: Mr. M.P. Yuvaraj
for M/s. Swamisubramanian

For Respondent

: Mr. M. 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), 324 and 506 (ii) of I.P.C., in Crime No. 122 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, when there was a wordy quarrel with regard to fishing in the pond of the Periyakuruvadi village between the petitioner and Karthikeyan, who is a licensee for fishing in the pond, the de-facto complainant intervened and advised the petitioner not to fish in the pond which was already leased out to the said Karthikeyan. Due to the said incident, on 20.04.2020, at about 06.00 p.m., the petitioner abused the de-facto complainant in filthy language and attacked him with sickle and threatened with dire consequences. On complaint, a case has been registered against the petitioner under Sections 294 (b), 324 and 506 (ii) of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner is not involved in the offence as alleged by the prosecution. The petitioner is falsely implicated in the case due to political rivalry. The

petitioner will co-operate with the investigation and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on complaint, case has been registered against the petitioner. The investigation is pending. The injured person 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, the fact that the de-facto complainant is discharged from the 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) 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 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 bonds 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 once in a week on every Monday 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 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

26.05.2020

Index : Yes / No
gsa

To

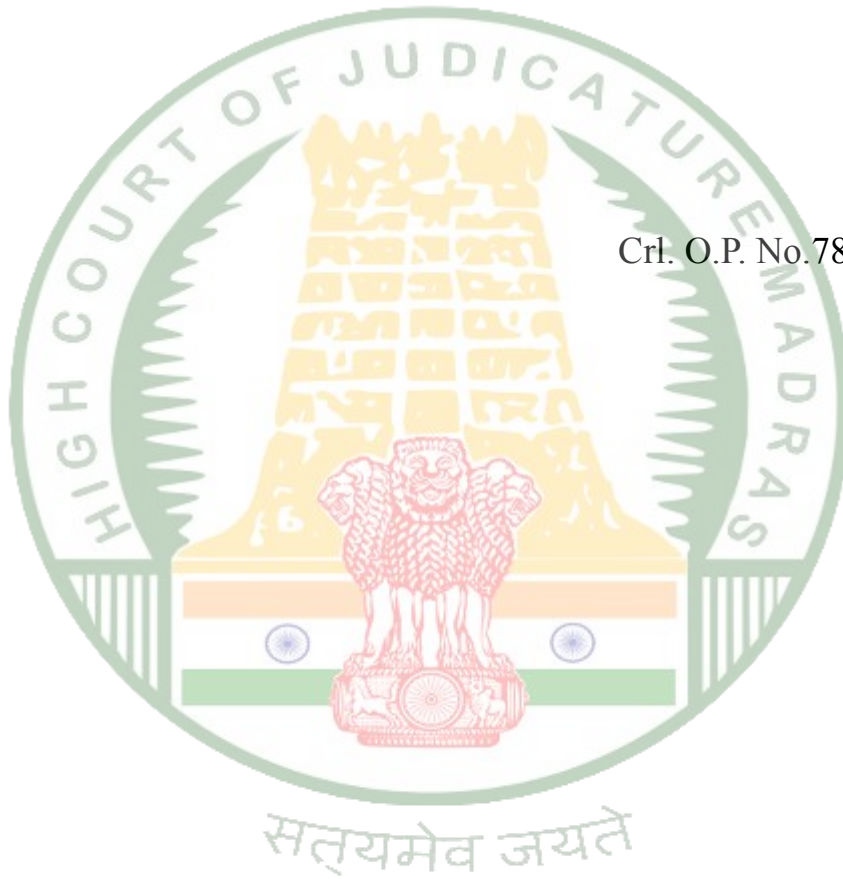
1.The Inspector of Police,
Vikkirapandiyam Police Station,
Thiruvavarur District.

2.The Public Prosecutor,
High Court, Madras.

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V.M.VELUMANI, J.,

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