

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8174 of 2020

Revathi

... Petitioner

Vs.

State by Inspector of Police,
Devangudi Police Station,
Thiruvavur

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.27 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC & 4 of TNPWH Act, in Crime No.27 of 2020 on the file of the respondent police.

2. The case of the prosecution is that the complainant is Mr.Muruganaddham. He gave a complaint that on 11.05.2020 that one Anbagazan came to the disputed site to put a mud. When the complainant objected to the same, the petitioner abused and assaulted the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has abused and assaulted the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant of anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the

event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Needamangalam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 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 Aadhaar 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 trial.

[d] the petitioner shall not abscond either during 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

05.06.2020

Internet : Yes/No
kmm

To.

1. The District Munsiff cum Judicial Magistrate,
Needamangalam.
2. Inspector of Police,
Devangudi Police Station,
Thiruvarur
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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