

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HON'BLE Mr.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8622 of 2020

Mr.R.Devaraj

... Petitioner

Vs.

State by Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in pending Crime No.677 of 2020 on the file of the respondent Police.

For Petitioner : Mr.R.Ramesh

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353 & 506(i) of IPC in Crime No.677 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is in occupation of a Government poramboku land and the defacto complainant, who is the Revenue Inspector had taken steps to serve notice on A1 by informing her that she cannot put up the construction in the poramboku land. It is the further case of the prosecution that A1 abused the Revenue Inspector and on her instigation, this petitioner and A3, who are calling the Revenue Inspector and threatening her with dire consequences and by giving a complaint to take disciplinary action against the Revenue Inspector.

3.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and that, the petitioner never exerted any threat against the Revenue Inspector. The learned counsel further submitted that the petitioner did not resist the Revenue Inspector from performing her duty and that if any steps are taken, the petitioner will defend himself in accordance with law and he will never resort to intimidating or give complaint against the Revenue Inspector.

4.The learned Additional Public Prosecutor appearing on behalf of

the respondent Police submitted that the Revenue Inspector is a lady, who

wanted to carry out her statutory function and was attempting to serve notice to A1 not to put up any construction in the poramboku land. The learned counsel further submitted that A1 abused the Revenue Inspector and also instigated this petitioner/A2 and A3, who were continuously threatening the Revenue Inspector over phone. The learned counsel, therefore resist for grant of anticipatory bail in favour of the petitioner.

5.This Court has carefully considered the submissions made on either side.

6.This Court is also recording an undertaking given by the learned counsel for the petitioner that the petitioner will not involve in any intimidation tactics and will defend himself, if any action is taken only in accordance with law.

7. Taking into consideration the facts and circumstances, 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 II,

Hosur, Krishnagiri District on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Monday at 10.30 a.m., within a period of four weeks and thereafter, 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Index :Yes/No

Speaking/Non-speaking Order

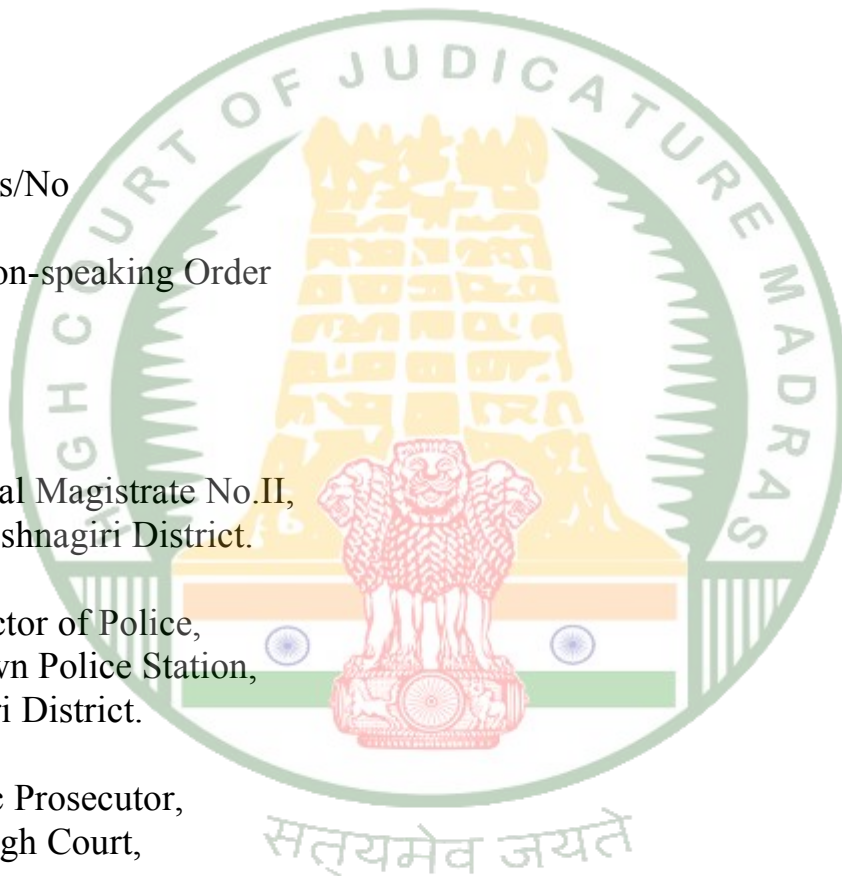
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To

1.The Judicial Magistrate No.II,
Hosur, Krishnagiri District.

2.The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

3.The Public Prosecutor,
Madras High Court,
Madras.



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N.ANAND VENKATESH.,J

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