

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8918 of 2020

Palanivelu

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Attur Police Station,
Salem District.
(Crime No.218 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioner/accused on bail in the event of arrest in connection with Crime No.218 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Muthukrishnan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 294(b), 323, 447 and 507 in Crime No.218 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and his family members had a land dispute with the defacto complainant, which resulted in wordy quarrel and the accused is said to have intimidated and caused simple injuries to the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. Since there was a land dispute between the petitioner and the defacto complainant, a false case has been foisted against the petitioner.

4.The learned Additional Public Prosecutor on instructions submitted that there are totally two accused persons in this case and the petitioner has been ranked as A2. The learned counsel further submitted that the victim has been discharged from hospital.

5. Taking into consideration, the facts and circumstances of the case and also that the victim has been discharged from

hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 made ready, before the learned Judicial Magistrate No.I, Attur, on condition that the petitioner shall execute a separate 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, 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.

-sd/-

19/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO I,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

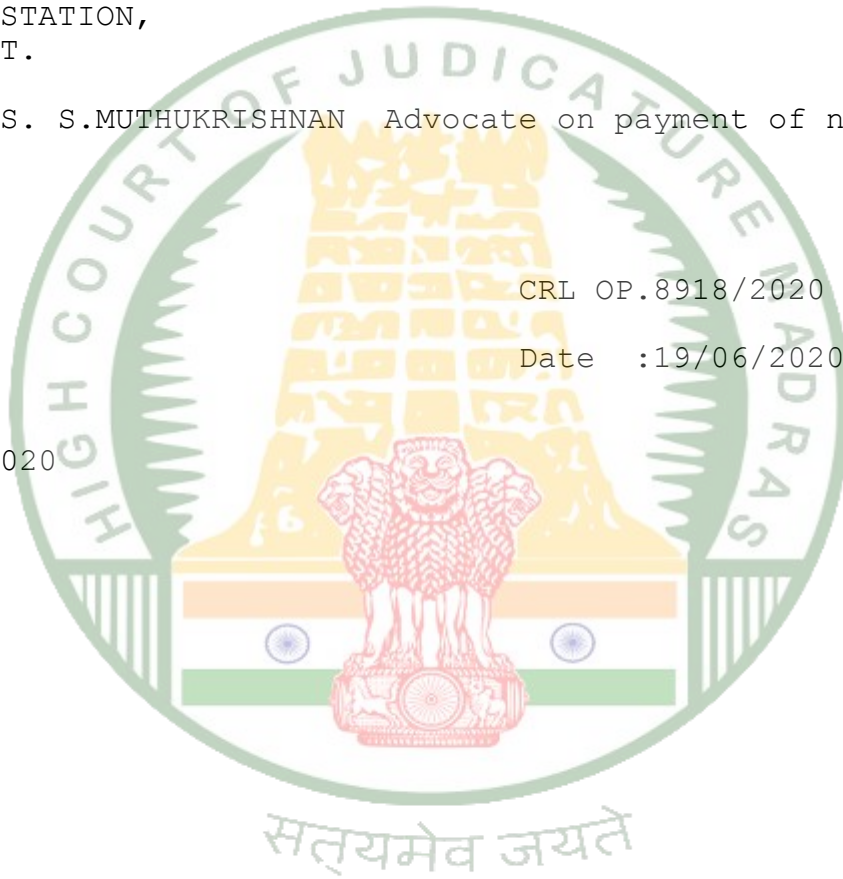
4 THE INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM DISTRICT.

CC to M/S. S.MUTHUKRISHNAN Advocate on payment of necessary
charges

CRL OP.8918/2020

Date :19/06/2020

MN-TA-30/07/2020



WEB COPY