

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P No.9339 of 2020

Thalabathikumar,
S/o.Rajkumar,
19A, Melakotha Street, Thiruvarur,
Tamil Nadu – 610 001. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thiruvarur Police Station,
Thiruvarur District.
(Crime No.1306 of 2020)Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in Crime No.1306 of 2020 on the file of the respondent Police.

For Petitioner : Mr.D.Prabu

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 punishable under Sections 294(b), 324, & 506 (ii) of I.P.C in Crime No.1306 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the petitioner and the defacto complainant and it is alleged that the petitioner assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to the property disputes, the petitioner assaulted the defacto complainant with wooden log and that the defacto complainant sustained injuries and the injured discharged from the hospital. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant 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 made ready, before the learned Principal Sessions Judge, Thiruvavarur, 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 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 daily at 10.30 a.m. for a period of two 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Sessions Judge,
Thiruvavarur,
2. The Inspector of Police,
Thiruvavarur Police Station,
Thiruvavarur District.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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