

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Crl.O.P.No.10105 of 2020

Senthil @ Senthil Kumar

... Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi,
Tiruvarur - 614 001.
Crime No.2336 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2336 of 2020 on the file of the respondent police.

For Petitioner : Mr. Nirmal Aditya

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324, 323 and 506 (ii) of IPC, 1872 in Crime No.2336 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Ganesan had lodged a complaint against the petitioner before the respondent police alleging that the petitioner and the defacto complainant were having civil dispute in respect of sharing of boundaries in their respective lands. While so, on 20.06.2020 the petitioner removed the fence of the disputed property. When the same was questioned by the defacto complainant, the petitioner had abused the defacto complainant with filthy language, attacked him and also threatened him dire consequences and that the defacto complainant sustained severe injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that the petitioner is no way connected in this case. Further he would submit that due to previous enmity with regard to Civil dispute, a false complaint has been lodged by the defacto complainant against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are neighbours and due to civil dispute, the petitioner abused and attacked the defacto complainant. Further he would submit that there is no previous case as against the petitioner and also submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also 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 Judicial Magistrate No.I, Mannargudi, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/07/2020

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,
MANNARUGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR, MANNARGUDI-614 001

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

CRL OP.10105/2020

Date :03/07/2020

MK:28/07/2020