

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 10302 of 2020

Dinesh

... Petitioner/Sole Accused

Vs.

The State represented by,  
The Inspector of Police,  
Thiruthuraipoondi Police Station,  
Tiruvarur District.  
(Crime No. 1797 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of his arrest by the respondent, pending investigation of the case in Crime No.1797 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Vijayaragavan

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

O R D E R

(The case has been heard through video conference)

The Petitioner who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 294(b), 341, 352, 354 and 506(ii) of IPC in Crime No.1797 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 01.06.2020, the petitioner's cattle trespassed into the land of the defacto complainant and damaged the crops. In this regard, there was wordy quarrel between the defacto complainant and the parents of the petitioner. In continuance of the same on the same day again there was wordy quarrel for the same reason between the petitioner and the defacto complainant and the petitioner scolded her in filthy language and attacked with hands. Hence, the complainant.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is a case in counter in Crime No.1798 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has abused and intimidated the defacto complainant. He further submitted that the petitioner and the defacto complainant are neighbours. Hence, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his 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, Thiruthuraipoondi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/07/2020

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,  
THIRUTHURAIPOONDI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
THIRUTHURAIPOONDI POLICE STATION,  
TIRUVARUR DISTRICT.

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

CRL OP.10302/2020

Date :08/07/2020

RVR 04/09/2020

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