

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.10449 of 2020

Selvi (60 years),
W/o.Rajendran,
D.No.2/99, North Street,
Kandithampettai Post,
Mannargudi Taluk,
Thiruvarur District – 614018.

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
Paravakottai Police Station,
Crime No.431/2020,
Thiruvarur District.

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest in connection with Crime No. 431 of 2020, Paravakottai Police Station, Tiruvarur.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 494(b), 323 and 506(1) of IPC in Crime No.431 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 on 16.05.2020, at 08.30 p.m., the petitioner/accused along with other accused persons trespassed into the defacto complainant's house and abused her in filthy language and intimidated and assaulted her and she sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the

respondent would submit that the petitioner has abused intimidated and assaulted the defacto complainant and the defacto complainant has sustained injuries and she was admitted in the hospital. He further submitted that she has been discharged from the hospital. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned counsel and the fact that the victim has been discharged from the hospital, 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 No.II, Mannargudi, on condition that the petitioner shall execute a separate 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 one week 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.

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

ordered.

13.07.2020

Internet : Yes/No
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To

1.The Judicial Magistrate No.II,
Mannargudi.

2.The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District.

3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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