

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10539 of 2020

T.Mahalakshmi

... Petitioner/2nd Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District.
(Crime No. 933 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 apprehending arrest in the Crime No. 933 of 2020 on Sub-Inspector of Police, Nagapattinam Police Station, Nagapattinam District.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 the alleged offences punishable under Sections 294(b), 352, 448 and 506(ii) of IPC - 1860 respectively, in Crime No. 933 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the due to previous enmity, the petitioner has trespassed into the property of the defacto complainant and there was a wordy quarrel between them. At that time, petitioner has abused the defacto complainant and his wife in filthy language and attacked on his wife and criminally intimidated them. Hence, the complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false case has been given against him. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there was a property dispute between the parties. Due to which, the petitioner has abused and intimidated the defacto complainant and his wife. He further submitted that there is no previous case pending against the petitioner. However, he opposed 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 No.I, Nagapattinam, 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 everyday 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.

-sd/-

14/07/2020

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, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.10539/2020

Date :14/07/2020

RVR 03/09/2020

सत्यमेव जयते

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