

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.11561 of 2020

S.Kumaresan,
S/o E.K. Subramanian,
No.4/19A-1, S.R.S. Puram,
Sulur, Coimbatore.

... Petitioner

Vs.

The State rep.by,
Sulur Police Station,
Coimbatore District
(Crime No.1473/20)

... 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.1473 of 2020 on the file of the respondent police.

For Petitioner : Mr. B. Kumarasamy

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

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 & 506(II) of IPC in Crime No.1473 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the defacto complainant and the petitioner with regard to a common pathway and the defacto complainant encroached the same. Hence the case.

3. The learned Counsel for the petitioner would submit that the defacto complainant has encroached the common path way which was used by both the defacto complainant and the petitioner. Due to which the petitioner lodged a complaint and the same was disposed and the defacto complainant also lodged a false complainant against the petitioner. He would further submit that the petitioner is a innocent person and he has been falsely implicated in this case. Hence, he

prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a civil dispute between the defacto complainant and the petitioner with regard to a common pathway. Hence he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and submissions made by 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 arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Sullur 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
03/08/2020

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,
SULUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S. B.KUMARASAMY Advocate on payment of necessary
charges sr.no.5838

CRL OP.11561/2020

Date :03/08/2020

RD 07/08/2020

WEB COPY