



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.12245 of 2020

Balan Arivumani

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

E-1, Mamallapuram Police Station,

Chengalpattu District.

Crime No.1004 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.1004 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. A. Prakash

For Respondent : Mr. K. Prabakar,

Additional Public Prosecutor.

ORDER

(This 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), 341, 427 and 506(ii) of IPC in Crime No.1004 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Vijiyendiran is that the defacto complainant was constructing a compound wall in his property. At that time, due to previous enmity, the petitioner along with others have trespassed into his property by damaging the compound wall and abused him with filthy language and threatened him with dire consequences by brandishing deadly weapons. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to a land dispute between the parties and that the petitioner is no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a land dispute between the petitioner and the defacto complainant and the petitioner has been continuously engaging in public fight between them and would submit that earlier a case was registered between the same parties in Crime No.52 of 2019. He would further submit that the respondent has now referred the matter to the revenue authorities to initiate proceedings under Section 145 Cr.P.C. against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsels, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **District Munsif cum Judicial Magistrate, Thirukazhukundram, Chengalpattu District**, 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 every day at 10.30 a.m., until further orders.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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/-  
14/08/2020

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, THIRUKAZHUKUNDRAM,  
CHENGALPATTU DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-1, MAMAMALLPURAM POLICE STATION,  
CHENGALPATTU DISTRICT.

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

CRL OP.12245/2020

Date :14/08/2020

MK:28/08/2020