

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.12269 of 2020

Vijayan @ Vijay

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thammampatty Police Station,
Salem District.

Crime No.233 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.233 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

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 147, 294(b), 341, 354, 323 and 506(i) of IPC in Crime No.233 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that a new panchayat road was laid near the land in which Petitioner was cultivating and it was not liked by the Petitioner as he was enjoying the land which was proposed for road. Hence when the defacto complainant was walking on the said road, the petitioner abused and attacked her with hands and kicked on her stomach resulting in which, she fell down and sustained injuries and also attacked the neighbour of the defacto complainant and threatened them with dire consequences. Hence,

3. The learned Counsel for the petitioner would submit that there is a case in counter in Crime No.204 of 2018 and that a false case has been foisted against him. 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 due to which, there was a quarrel and thereafter the petitioner abused and attacked the defacto complainant in which she sustained injuries. He further submitted that the injured has been discharged from the hospital and there is one previous case pending against the petitioner in the year 2018. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter and that the injured 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 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 **Judicial Magistrate No.II, Attur**, 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., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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/-
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 JUDICIAL MAGISTRATE NO.II,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION,
SALEM DISTRICT

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

CRL OP.12269/2020

Date :14/08/2020

MK:28/08/2020