

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12579 of 2020

V.Palani

... Petitioner

Vs.

State rep. by the
Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.
Crime No.809 of 2019

... 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 by the respondent police in Crime No.809 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427, 506(i) & 109 of IPC, in Crime No.809 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the parties, as a result of which, the petitioner had attacked the de-facto complainant with iron rods and caused injuries.

3. The learned counsel for the petitioner would submit that it is a case and case in counter, the defacto complainant assaulted the petitioner and on the complaint given by the petitioner a case in Crime No.808 of 2019 was registered against the defacto complainant. Earlier, the petitioner approached this Court and he was granted anticipatory bail in CrI.O.P.No.33301 of 2019 dated 25.11.2019. Later, since the petitioner was informed that the case against him would be referred after investigation he did not surrender before the Court and execute the sureties and thereby the earlier

anticipatory bail order got lapsed. But till date the respondent has not referred the case against him and thereby the petitioner has approached this Court again.

4. The learned Additional Public Prosecutor would submit that due to a property dispute, the petitioner assaulted the defacto complainant with iron rod and caused injuries. On the complaint given by the petitioner a case in Crime No.808 of 2019 has been registered against the defacto complainant it is a case in counter. He would further submit that the petitioner was earlier granted anticipatory bail in CrI.O.P.No.33301 of 2019 dated 25.11.2019.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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 Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Tiruvannamalai, 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every hearing dates without fail.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/08/2020

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,
TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION
TIRUVANNAMALAI DISTRICT.

4 THE INSPECTOR OF POLICE,
MANNARGUDI ALL WOMENS POLICE STATION,
THIRUVARUR DISTRICT

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO. 5997

CRL OP.12579/2020

Date :19/08/2020

GKS:03/09/2020