

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13442 of 2020

K.Kathirvel

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Pennadam Police Station,
Pennadam,
Cuddalore District.
(Crime No.863 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of arrest in connection with Crime No.863 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.V.Regunathan

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 offences punishable under Sections 294(b), 427, 448 and 506(ii) of IPC, in Crime No.863 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 06.08.2020, there was a wordy quarrel between the petitioner and the defacto complainant and the petitioner abused him in filthy language and threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to the property dispute, there was a wordy quarrel between the petitioner and the defacto complainant. He would further submit that there is no previous case pending against the petitioner.

5. Considering the above fact 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 from the date on which the order copy made ready, before the learned Judicial Magistrate, Tittagudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 Inspector of Police, Pennadam Police Station, Cuddalore District daily at 10.30 a.m. and 5.30 p.m, until further orders and the petitioner shall not go near the house of the defacto complainant.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/09/2020

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,
TITTAGUDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
PENNADAM,
CUDDALORE DISTRICT.

CC to M/S. V.REGUNATHAN Advocate on payment of necessary charges

CRL OP.13442/2020

Date :01/09/2020

cs 15/09/2020