

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.Nos.13303 of 2020

R.Appusamy

... Petitioner

Vs.

State represented by

... Respondent

The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
(Crime No.641/2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Crime No.641/2020 pending on the file of the respondent police.

For Petitioner : Mr. P.Saravana Sowmiyan

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 431 & 506(i) IPC in Cr. No.641 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that there was land dispute between the *de facto* complainant and the petitioner and due to which the petitioner along with other accused have criminally intimidated the petitioner. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is innocent person and they have not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that there is a common cart track in between the lands of the petitioner and *de facto* complainant and the petitioner with other accused destroyed the cart track using JCB and tractors and when the petitioner tried to prevent it, they criminally intimidated him. He would further submit that there are no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that there are no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] 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 the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioners 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
31/08/2020

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.P.SARAVANA SOWMIYAN Advocate on payment of
necessary charges SR.NO.6085

CRL OP.13303/2020

Date :31/08/2020

TA-09/09/2020

WEB COPY