

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13397 of 2020

A. Karthick Ashokan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Cr.No.1638 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.1638 of 2020 on the file of the respondent police.

For Petitioners : Mr. M. N. Alakrishnan

For Respondent : Mr.M. Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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), 353, 447 and 506(i) of I.P.C. read with Section 3 of TNPPDL Act, in Crime No.1638 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 the petitioner had encroached the Panchayat land on 21.08.2020 and the Executive Officer had removed the encroachment while so, the petitioner had damaged the fence and the Board installed by the Panchayat. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the petitioner's mother was vending flowers in that area and that there was a dispute between

the officials of the Panchayat and the petitioner thereby a false complaint has been given against the petitioner. He would submit that the petitioner has filed an affidavit of undertaking stating that he will not do any illegal things which cause damage to the public or private parties in future and he has also stated that he has paid the entire value of the damaged articles to the Panchayat. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the officials had removed the encroachment of the petitioner and had put up a Board in that area and the petitioner had subsequently damaged the Board installed by the Panchayat. . However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel on either side and the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sulur, on condition that the petitioner shall execute a separate 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 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 229A IPC.

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

-sd/-
08/09/2020

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,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.M.N. ALAKRISHNAN Advocate on payment of necessary charges

CRL OP.13397/2020

Date : 08/09/2020

TA-30/09/2020

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