

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14493 of 2020

R.Gandhi

Son of Ramalingam

... Petitioner

Vs.

State Represented by

The Inspector of Police

Perugavazhndhan Police Station

Thiruvarur District

in Crime No.867 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner/Accused No.2 on bail in the event of his arrest in Crime No.867 of 2020 on the file of the Inspector of Police, Perugavazhndhan Police Station, Thiruvarur District.

For Petitioners : Mr.T.Ramkumar

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), 324 and 506(ii) of Indian Penal Code in Crime No.867 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ganesan is that due to property dispute, on 03.09.2020 at about 4 p.m. the petitioner along with his son-in-law, abused and assaulted the defacto complainant with Aruval due to which, he sustained injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated

in this case. He would further the Al/the son-in-law of the petitioner has been granted bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and the petitioner are neighbours. Due to property dispute, the petitioner along with other accused assaulted the defacto complainant with Aruval on his head. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into Consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner, 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 of commencement of the Court's normal functioning, before the learned Judicial Magistrate-II, Mannargudi, 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 daily 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 petitioners 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/-
17/09/2020

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,
NO.II, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERUGAVAZHNDHAN POLICE STATION,
THIRUVARUR DISTRICT,

CC to M/S. T.RAMKUMAR Advocate on payment of necessary charges

CRL OP.14493/2020

सत्यमेव जयते
Date :17/09/2020

RD 28/09/2020

WEB COPY