

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14929 of 2020

C.Balaji

... Petitioner/Accused

vs.

The State represented by,
The Inspector of Police,
Tirupathur Taluk Police Station,
Vellore District.
Crime No.806 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No. 806 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Sivavarthanan

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 alleged offences punishable under Section 353 of IPC, in Crime No. 806 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant, who is a Village Administrative Officer is that the petitioner had prevented him from discharging his official duties. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the father of the petitioner had filed a suit in O.S.No.71 of 2016 for removal of encroachments, before the learned Principal District Munsif, Tirupattur and he has got decree in his favour. The officials instead of removing the encroachers from the property, have colluded with the encroachers. When the same was questioned by the petitioner, a false complaint has been given

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has abused the defacto complainant and prevented him from discharging his official duties. Hence, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and circumstances of the case and also considering the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his 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 No.II, Tirupathur, 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/-

23/09/2020

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, TIRUPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
TIRUPATHUR TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE PRINCIPAL DISTRICT MUNSIF
TIRUPATTUR

CC to M/S.M.SIVAVARTHANAN Advocate on payment of necessary charges Sr.6707

CRL OP.14929/2020

सत्यमेव जयते Date :23/09/2020

RVR 08/10/2020

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