

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15623 of 2020

K.Packirisamy

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Thirumakottai Police Station
Thiruvarur Dist.
(Crime No.693 of 2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant an anticipatory bail to the petitioner in the event
of his arrest in connection with Crime No.693 of 2020 on the file of
the respondent.

For Petitioner : Mr.N.Palanivel

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),
307 & 506(ii) IPC read with Section 3 (a) of the Explosive Substances
Act, 1908 in Crime No.693 of 2020 on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
Yelammbal is that due to a dispute regarding property, the petitioner
along with his wife and son assaulted the defacto complainant and
also hurled country made bomb on her. 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 due to a family dispute. He would submit that the
defacto complainant is none other than the mother of the petitioner
and that the case has been registered based on the direction from the
Court. He further submitted that even the alleged explosive is
nothing but a cracker. Hence, he prays for grant of anticipatory bail
to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner who is the son of the defacto complainant, due to family dispute, assaulted her and also hurled explosive country made bomb on her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered 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 a copy of this order is made ready, 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 Judicial Magistrate No.2, Mannargudi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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/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].

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

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

-sd/-

05/10/2020

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 CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THIRUMAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S. N.PALANIVEL Advocate on payment of necessary charges Sr.6612

CRL OP.15623/2020

Date :05/10/2020

RVR 14/10/2020

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