

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15652 of 2020

MANIKANDAN

... Petitioner

Vs.

STATE; rep. By
The Inspector of Police,
VEERANAM Police Station,
Salem District.
(Crime No.871 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.871 of 2020 on the file of the respondent.

For Petitioner : Mr.B.Vasudevan

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 **447, 427 and 506(2) IPC in Crime No.871 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Chinnaponnu is that due to property dispute, the petitioner trespassed in to her property and cut down trees worth about Rs.80,000/-. 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 property dispute. He would further submit that even as per the complaint, the occurrence is said to have happened during the year 2018 and the complaint has been registered based on the direction from the Court. He would further submit that the petitioner is prepared to deposit the original title deeds of the property worth about Rs.2,00,000/- to the credit

of Crime number in order to show his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is aged about 70 years. Due to property dispute, the petitioner trespassed into the property of the defacto complainant, cut down the trees and caused damages worth about Rs.80,000/-. Hence, he 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 and the fact that the petitioner has come forward to deposit the original title deeds of the property to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, **the petitioner is directed to deposit the original title deeds of the immovable property worth about Rs.2,00,000/- which stands either in the name of the petitioner or in the name of his relatives, to the credit of Crime No.871 of 2020** and on such deposit, 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 on which the 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.IV, Salem,** 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 every day at 10.30 a.m for a period of three weeks and thereafter, on 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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.15652/2020

Date :05/10/2020

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