

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No. 15851 of 2020

Dr.Vaiyaburi Sankar

S/o.Vaiyaburi

... Petitioner/1st Accused

Vs.

The State represented by,

The Inspector of Police,

Karimangalam Police Station,

Dharmapuri District.

[Crime No. 1472 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 1472 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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), 323, 324, 355 and 506(ii) of IPC in Crime No. 1472 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Niranjani is that due to the land dispute between the petitioner and the defacto complainant, the petitioner had abused the defacto complainant in filthy language and had assaulted her husband by hands and one unknown person had assaulted with iron rod. Thereby, the husband of the defacto complainant has sustained injuries. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that due to the land dispute between the petitioner and the defacto complainant, the petitioner has assaulted the defacto complainant's husband with chappal. He would submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner. However, he opposed

for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions of the learned counsels and the fact that the victim has been discharged from the hospital, 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 is made ready, before the learned Judicial Magistrate Court, Palacode, Dharmapuri District, 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.

07.10.2020

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To

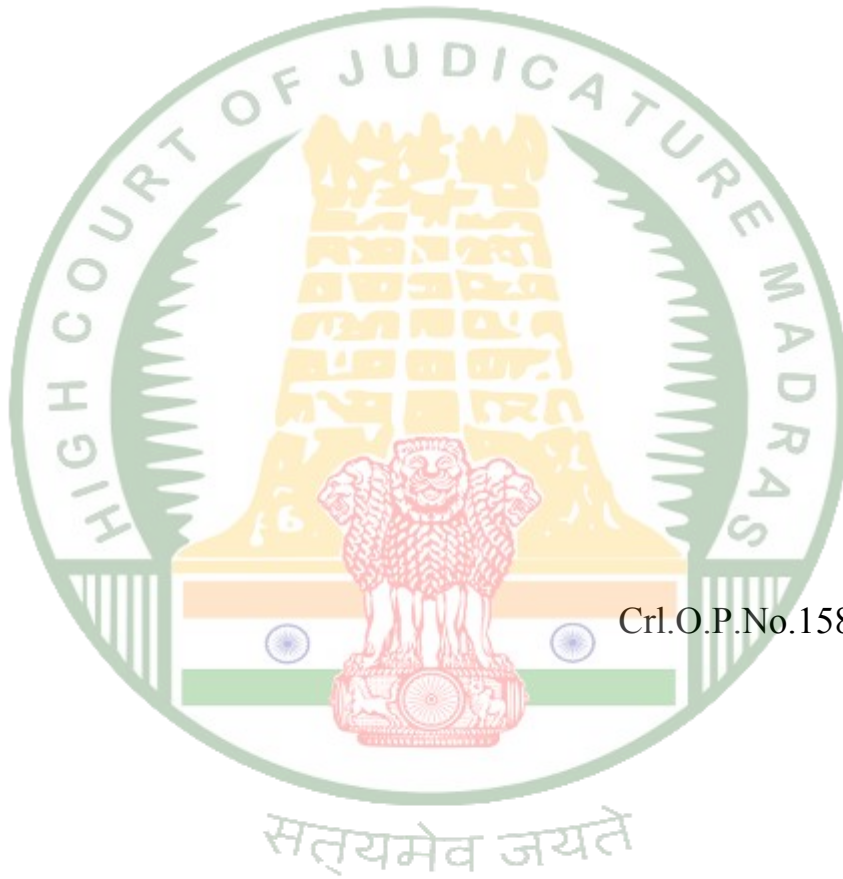
- 1.The Judicial Magistrate Court,
Palacode, Dharmapuri District.
- 2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

- 3.The Public Prosecutor,

High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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