

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16078 of 2020

Veeradass

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Karaikal Town Police Station
Karaikal District

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.317 of 2020 on the file of the respondent police.

For Petitioner : Mr.Jerry V.V.Sundar

For Respondent : Mr.V.Balamurugane
Public Prosecutor, Puducherry

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 under Sections 294(b), 324, 448 and 506(ii) of IPC, in Crime No.317 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the de-facto complainant along with her husband were in front of the house, the petitioner trespassed into the house of the de-facto complainant and abused the de-facto complainant and her husband also assaulted her children with wooden log.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that a local katta panchayat was conducted by the community leaders and thereby, the petitioner was pressurised to file a petition in W.P No.9932 of 2020 before this Court against the local panchayat conducted by the community leaders and in the said writ petition, notice has been ordered to the local panchayat members. Whiles, the de-facto complainant, her husband and one of the villagers have

given a complaint against the petitioner. He would further submit that a complaint has also been given against the de-facto complainant and the community leaders which has been taken up in M.C No.46 of 2020. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor, Puducherry would submit that the petitioner and the de-facto complainant are neighbours and that there is continuous dispute between them and due to which frequent quarrels and fight happens between them. On the fateful day, the petitioner trespassed into the house of the de-facto complainant and abused and assaulted the de-facto complainant, her husband and children. He would further submit that both the petitioner and the de-facto complainant are repeatedly causing nuisance in the area.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him and also prepared to stay away for some time.

6. Taking into consideration the facts and circumstances of the case and also 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 arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karaikal, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[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 stay at Neravy and report before the Neravy Police Station daily at 10.30 a.m for a period of one month and the petitioner shall not enter into the jurisdiction limits of the respondent police.

[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.

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

-sd/-
09/10/2020

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,
KARAIKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARAIKAL TOWN POLICE STATION, सत्यमेव जयते
KARAIKAL DISTRICT.

4 THE OFFICER INCHARGE,
NERAVY POLICE STATION,
NERAVY.

+1CC to M/S. JERRY V.V. SUNDAR Advocate on payment of
necessary charges SR NO.6786

CRL OP.16078/2020

Date :09/10/2020

MK:15/10/2020