

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.16602 of 2020

Shanmuga Pandian

...Petitioner

Vs.

State by Inspector of Police
Kovilpalayam Police Station
Coimbatore District
(Crime No.819 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.819 of 2020 on the file of the Inspector of Police, Kovilpalayam Police Station, Coimbatore District.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Intervenor : Mr.Karthik Raja

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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 Sections 147, 447, 427, 294(b) and 506(1) IPC in Crime No.819 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ravikumar is that due to previous enmity on account of civil dispute, on 10.10.2020, the petitioner along with other accused trespassed into the property of the defacto complainant and abused him in filthy language and also damaged the fencing. 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 previous enmity. However, without prejudice to his contention, the petitioner is prepared to deposit the alleged amount of Rs.5,000/- 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 Counsel for the Intervenor would submit that due to property dispute, the petitioner along with other accused trespassed into the property of the defacto complainant and caused damages to the fencing materials worth Rs.5,000/- and also abused him

in filthy language. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioner along with other accused trespassed into the property of the defacto complainant and caused damages to the fencing materials worth Rs.5,000/-. He would submit that there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.819 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 (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-II, Coimbatore, on condition that 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 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 daily 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 final order in respect of the said deposit shall be passed by the learned Magistrate at the time of conclusion of trial.

[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.

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

-sd/-

02/11/2020

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. S.KAITHAMALAI KUMARAN Advocate on payment of necessary charges SR.7185

CC to M/S. Mr.Karthik Raja Advocate on payment of necessary charges SR.7182

CRL OP.16602/2020

Date : 02/11/2020

RVR 04/11/2020

WEB COPY