

Crl.O.P.No.18541 of 2020

A.D.JAGADISH CHANDIRA, J.

The matter is listed today under the caption “for being mentioned.”

2.The learned counsel appearing for the petitioner would submit that the case of the petitioner is relating to Crime No.317 of 2020 registered by the Kai Kalathur Police Station and in fact, this Court had granted anticipatory bail to the petitioner on 07.12.2020, however, a mistake has crept into the order and that the wrong order has been uploaded, thereby, he would seek for clarification.

3.In view of the above submissions so made by the learned counsel for the petitioner, the order dated 07.12.2020 to be read as follows:

“The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 294(b), 324, 447, 354, 427, 379 IPC r/w. Section 4 of TNPHW Act, 2002, in Crime No.317 of 2020 seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that due to wordy quarrel on account of previous motive in respect of the property, the accused had stated to have trespassed into the property of the defacto complainant and damaged the household articles worth Rs.40,000/- and also assaulted the defacto complainant with wooden log, thereby, causing injuries to the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case on account of previous motive.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose, stating that due to wordy quarrel, on account of previous motive in respect of the property, the accused had trespassed into the property of the defacto complainant and damaged the household articles worth Rs.40,000/- and also assaulted the defacto complainant with wooden log, thereby, the defacto complainant, sustained injuries. He would further submit that the injured has been discharged and there is no previous case pending against the petitioner.

5.Heard the learned counsel on either side. Perused F.I.R. and all the materials placed on record.

6.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed 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 order copy is made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Perambalur**, on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the 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 automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 everyday 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.

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

4.This petition is clarified accordingly. Registry is directed to issue a fresh order to the petitioner.

22.12.2020

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Note: Issue a fresh order copy on 23.12.2020

A.D.JAGADISH CHANDIRA, J.

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22.12.2020