

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18696 of 2020

B.Damodaran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
Crime No.1155 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.1155 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Kumaresan

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 alleged offences punishable under Sections 147, 148, 294(b), 323, 452, 427 and 506(ii) of IPC, in Crime No.1155 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the petitioner and the defacto complainant as a result of which, the petitioner had trespassed into the defacto complainant property and assaulted and damaged the house hold articles worth about of Rs.25,000/- . Hence, the complaint was registered,

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a property dispute between the petitioner and the defacto complainant as a result of which, the petitioner had trespassed into the defacto complainant property and assaulted and damaged the house hold articles worth about of Rs.25,000/- He would further submit that the injured person has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to following conditions.

6. 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 on which the order copy made ready, before the Vth Metropolitan Magistrate Court, Egmore. 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, as and when required for interrogation.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

30/11/2020

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-2, AYANAVARAM POLICE STATION,
CHENNAI.

CC to M/S.P.KUMARESAN Advocate on payment of necessary charges

CRL OP.18696/2020

Date :30/11/2020

TA-09/12/2020

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