

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18698 of 2020

M.Saravanan

...Petitioner

Vs.

STATE By,
The Inspector of Police
Veppamkuppam Police Station,
Vellore District.
(Crime No.872 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.872 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

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, 448, 294(b), 323, 506(ii)** of IPC r/w 4 of Women Harassment Act in the aforesaid in Crime No.872 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, there was a wordy quarrel between the petitioner and the defacto complainant, thereby, the petitioner along with other accused had trespassed into the property and criminally intimidated him and also assaulted him, thereby, the defacto complainant sustained simple injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that civil dispute is also pending with regard to the property dispute.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to property dispute, there was a wordy quarrel between the petitioner and the defacto complainant, thereby, the petitioner along with other accused had trespassed into the property and criminally intimidated the defacto complainant. The petitioner had also attacked the defacto complainant, causing simple injuries. He would further submit that the injured has been discharged and the civil case is also pending between the parties. No previous case.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and also considering the fact that the injured has been discharged, 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-III, Vellore, 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 learned Judicial Magistrate-III, Vellore, 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 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 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.

-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 JUDICIAL MAGISTRATE,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPAMKUPPAM POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.18698/2020

Date :30/11/2020

TA-09/12/2020

WEB COPY