

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 19860 of 2020

Gundi @ Thangamuthu

... Petitioner/accused

Vs.

The State represented by,
The Inspector of Police,
Mecheri Police Station,
Salem District.
[Crime No. 235 of 2016]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 235 of 2016, on the file of the Judicial Magistrate-II, Mettur.

For Petitioners : Mr.M.Subash

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

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 offences punishable under Sections 147,148,447,341,294(b) and 506(ii) of IPC, in Crime No. 235 of 2016, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Chinnaponnu, is that due to land dispute, the accused had abused the defacto complainant in filthy language and assaulted her and also intimidated her. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner's name was not found in the FIR. However, the petitioner understands that after investigation, the respondent police has filed a final report in which the petitioner has been shown as a absconding accused. The learned counsel would further submit that a false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused intimidated and assaulted the defacto complainant. But, the petitioner's name was not found in the FIR. However, the respondent

police has filed the final report including the petitioner as an absconding accused. The learned Additional Public Prosecutor would further submit that the case has been taken up on file in Crime No. 235 of 2016 on the file of the learned Judicial Magistrate-II, Mettur. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel and the fact that 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-II, Mettur, on condition that each 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 learned Judicial Magistrate No.II, Mettur every day at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate.

[c] the petitioner shall not tamper with evidence or witness either during 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 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/-

22/12/2020

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

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

CRL OP.19860/2020

Date :22/12/2020

RVR 06/01/2021

सत्यमेव जयते

WEB COPY