

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.21046 of 2020

Durairaj @ Durairajan

.. Petitioner

Vs

The State rep. by
The Inspector of Police
Mangalam Police Station,
Mangalam, Tiruvannamalai District.
Cr.No.2514 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 2514 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (CrI.Side)

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 alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.2514 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that there is a property dispute between the de-facto complainant and the petitioner and in that dispute, this criminal case in Crime No.2514 of 2020 came to be registered. He further submitted that the petitioner and the defacto complainant are brothers.

4.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital and also the investigation is almost completed.

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

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruvannamalai, 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 and on further condition that:

[a] 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/12/2020

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, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

4 INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
MANGALAM, TIRUVANNAMALAI DISTRICT

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges
Sr.8747

CRL OP.21046/2020

Date :30/12/2020

RVR 06/01/2021



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