



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9112 of 2020

Subramani

... Petitioner/Sole Accused

Vs

The State by,
The Inspector of Police,
Ambilikkai Police Station,
Dindigul District.
Crime No. 905 of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No. 905 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 379 & 506(i) of I.P.C., in Crime No.905 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused and the defacto complainant is the owner of land. The allegation is that the defacto complainant has orally leased out his land to the petitioner for monthly rental of Rs.5,000/- and there was an arrear of rent and hence, a wordy quarrel arouse between them. The petitioner said to have attacked the defacto complainant with hands and pushed him down and also taken his mobile phone for a value of Rs.10,000/-. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely



implicated in this case. He further submitted that the defacto complainant has sold his property in favour of the petitioner on 28.09.2010 and the petitioner has approached the Village Administrative Officer for obtaining Patta and objecting the same the defacto complainant has attacked the petitioner and the petitioner has also lodged a complaint before the respondent police and the same has been registered in Crime No.906 of 2020 the same is pending for investigation and this is a case in counter. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there is a civil dispute is pending between the parties and this is a case in counter.

6.Considering the fact and circumstances of the case and also considering the fact that civil dispute is pending between the parties and this is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Oddanchatram, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1.THE JUDICIAL MAGISTRATE, ODDANCHATRAM,
DINDIGUL DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
 - 3.THE INSPECTOR OF POLICE
AMBILIKKAI POLICE STATION, DINDIGUL DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9112 of 2020
Date :31/08/2020

KSA
PK/JC/SAR-3/02.09.2020 : 3P/5C