



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.13935 of 2020

P.Karthick

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
Crime No.1100 of 2020.

... Respondent/Complainant

For Petitioner : M/s.I.Pinaygash,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1100 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323 and 506(ii) of IPC in Crime No.1100 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that due to land dispute between the parties, on the date of occurrence, there was a wordy quarrel arose between them. Due to which, the petitioner said to have attacked the de-facto complainant. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the de-facto complainant is the Ward Councilor and the

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petitioner is having small property at Korachinnampatti Village, Dindigul District. The de-facto complainant tried to occupy the said land illegally. In this regard, the petitioner filed a civil suit in O.S.No.120 of 2020 before the District Munsif Court, Dindigul against the de-facto complainant and the same is pending. Thereafter, the petitioner filed a petition before this Court in Crl.O.P.(MD)No.7516 of 2020 and this Court has directed the respondent police not to interfere with the petitioner in the name of enquiry. He would further submit that the petitioner is innocent and a false case has been foisted against this petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that due to land dispute between the parties, the petitioner said to have attacked the de-facto complainant. Hence, she opposed for granting anticipatory bail to the petitioner.

6.Taking note of the above facts and circumstances of the case, 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 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.III, Dindigul District, 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 to the Police Officer, who intends to arrest or 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 daily at 10.00 a.m., for a period of four 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



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

sd/-
03/12/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
SHANARPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13935 of 2020
Date : 03/12/2020

SJI
AE/JC/SAR-IV (08.12.2020) 3P / 5C