

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.642 of 2021

Thanigachalam

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruvannamalai Taluk Police Station
Thiruvannamalai District.
(Crime No.08 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No. 08 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.K.Karuppaiya Mooppanar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as A3. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, 427, 452, 454, 380, 506(ii) of I.P.C. Section 4 of T.N. Prohibition of Harassment of Women Act, 2002 in Crime No.08 of 2021 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that due to a civil dispute, there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, he said to have attacked the defacto complainant and also through out him from the residential house. In the said circumstances, the criminal case has been registered against him and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that there is a family dispute between the parties. He would submit that the son of petitioner had also purchased the part of the property and the defacto complainant is a relative of the petitioner. He would submit that on the date of occurrence, due to a civil dispute, there was a wordy quarrel between the parties. He would submit that he is an innocent person, he is no way connected with the offence as alleged in the complaint and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to a civil dispute, there was a wordy quarrel, and now the petitioner's son was vacated from the house and the possession of the defacto complainant was restored. He would submit that the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that the occurrence took place due to a civil dispute, there was a wordy quarrel between the parties, thereby caused injury to the defacto complainant, the possession of the defacto complainant was restored and now, the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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-II, Tiruvannamalai on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/01/2021

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.

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.642/2021

Date :21/01/2021

RVR 04/02/2021

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