

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1234 of 2021

Magi @ Mahendiran

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
B1 Town Police Station  
Dharmapuri District  
(Crime No.2423 of 2020)

... 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. 2423 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 392 of I.P.C., in Crime No. 2423 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a cattle feed shop and on the date of occurrence, when there was a wordy quarrel between them, the petitioner along with other accused persons have waylaid him, and they said to have taken a sum of Rs.2000/- from his pocket at the knife point and run away from the scene of occurrence. Hence, the criminal case has been registered against the petitioner and now apprehending arrest, the present

petition has been filed. Now, it is stated that A1 was arrested and released on bail.

3. The learned counsel appearing for the petitioner submitted that there was a money dispute between A1 and the defacto complainant for purchasing of cattle feed, due to which, there was a wordy quarrel between them and accordingly, a false complaint has been registered against the petitioner. He would submit that the petitioner is an innocent person and he is no way connected with the offence. He would submit that A1 was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that both the accused and the petitioner have threatened the defacto complainant and stolen money from him. He would submit that A1 was arrested and released on bail. He has further submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that due to a money dispute, there was a wordy quarrel between them, A1 was arrested and released on bail and there is no previous case pending against the petitioner, 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 No.I, Dharmapuri 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 daily at 10.30 a.m. for the period of two weeks ;

[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.

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

-sd/-  
11/02/2021

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.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
B-1 TOWN POLICE STATION,  
DHARMAPURI DISTRICT.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary  
charges SR.No.1526

CRL OP.1234/2021

Date :11/02/2021

cs 22/02/2021