

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2402 of 2021

Ravikumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Elachipalayam Police Station
Namakkal District.
(Crime No.847 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No. 847 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Sections 294(b) and 506(i) of I.P.C. in Crime No.847 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to a land dispute, there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, he said to have threatened the defacto complainant. 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 it is a land dispute. He would submit that the petitioner's land was encroached by the villagers and regarding the same, a panchayat was conducted. He would submit that on the date of occurrence, due to the said land 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 land dispute between neighbours, there was a wordy quarrel, and the petitioner has threatened the defacto complainant. He would submit that A2 is still absconding. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioner. 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 land dispute, there was a wordy quarrel between the neighbours, thereby caused injury to the defacto complainant, 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, Tiruchengode, 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

[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/-
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,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.2402/2021

Date :11/02/2021

MN-22/02/2021