

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5507 of 2021

MUTHAPPA

...PETITIONER / ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.22/2021

...RESPONDENT/COMPLAINANT

For Petitioner : MR.B.ARAVINTHAN Advocate
For Respondent : MR.S.KARTHIKEYAN
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No. 22 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 324 and 506(2) of IPC, seeks anticipatory bail.

2. The de facto complainant is said to be the sister in law of the petitioner. The case of the prosecution is that on 10.02.2021 at about 10.00 p.m., when the husband of the de facto complainant was standing in front of his house, the petitioner abused him in filthy language, attacked and also criminally intimidated him.

3. The learned counsel for the petitioner would submit that the de facto complainant is none other than the sister-in-law of petitioner and there is already a boundary dispute between the parties and this complainant has been foisted falsely.

4. The learned Additional Public Prosecutor would submit that there has been a boundary dispute between the parties and on the date occurrence there was a wordy quarrel between them in which both parties attacked each other. According to the learned Additional Public Prosecutor, there is also a counter case registered against the de facto complainant party.

5. Considering the facts and circumstances of the case and the fact that there has been a boundary dispute between the parties and a counter case has also been registered in Crime No.23 of 2021 and also on considering the fact that the injured in this case had been 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, Denkanikottai**, on executing 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 report before the respondent police as and when required by the police 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-

19/03/2021

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, DENKANIKOTTAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE (FOR INFORMATION)
KRISHNAGIRI DISTRICT.
- 3.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.
- 4.THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary
charges SR NO. 3815

CRL OP.5507/2021

Date :19/03/2021

TK/16.04.2021



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