

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.5395 of 2021

VIVEKANANDAN

...PETITIONER /SINGLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
BHAVANI, ERODE DISTRICT.
CRIME NO.142/2021

...RESPONDENT/COMPLAINANT

For Petitioner : MR.R.NALLIYAPPAN 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.142 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 452 and 506(ii) of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The allegation is that petitioner attacked the de facto complainant with stick and abused him in filthy language.

4. The learned counsel for the petitioner submitted that there has been a dispute between the parties over a landed property. The learned counsel further submitted that this case has been foisted falsely in order to grab the entire joint family property. The petitioner is ready to abide by any conditions that may be imposed in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor fairly submitted that no one sustained serious injury and there is no bad antecedent reported against the petitioner.

6. Considering the facts that there has been a dispute between the parties over a landed property and no one sustained serious injury and also on considering the fact the petitioner has no criminal history to his credit, 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-I, Bhavani**, 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 No-I,
BHAVANI.

2.THE CHIEF JUDICIAL MAGISTRATE (FOR INFORMATION)
ERODE DISTRICT.

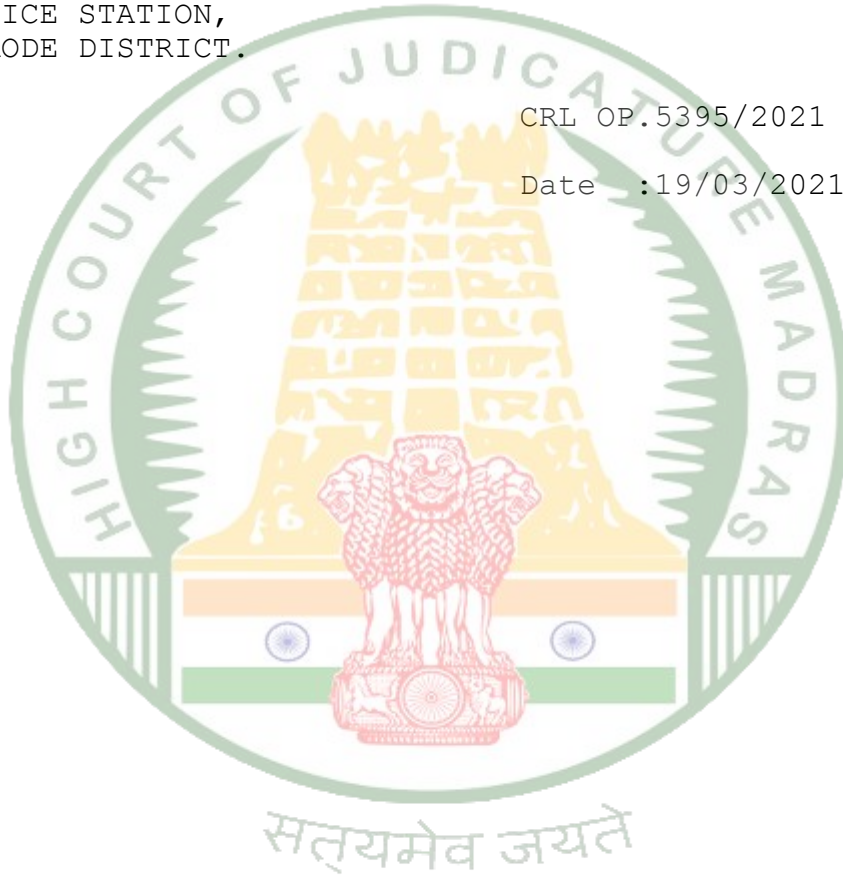
3.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4.THE INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
BHAVANI, ERODE DISTRICT.

CRL OP.5395/2021

Date :19/03/2021

TK/16.04.2021



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