

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

Friday, the Twenty Sixth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.6047 of 2021

PADMANABHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
E.5, KOOVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT,
(CRIME NO.39/2021)

For Petitioner : M/S A.KALAIVANAN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Sections 448,294(b), 323 and 506(i) of I.P.C in Crime No.39 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives and there was some civil dispute between the parties and the same is pending. Due to which there was a wordy quarrel between the parties and the petitioner said to have assaulted the defacto complainant with wooden logs and caused injuries to him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that a civil suit was pending and even after the injunction order passed by the Court below the defacto complainant is continuing the construction in the disputed land. Hence, the petitioner has taken photograph of the construction to place the same before the Court. Due to which there was a wordy quarrel between the parties. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there was some civil dispute between the parties and the same is pending and the petitioner assaulted the defacto complainant with

wooden logs and caused injuries to him. He would further submit that the injured discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the petitioner and the defacto complainant are relatives and there was some civil dispute pending between them and the injured discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Thirukazhukundam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] 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/-

26/03/2021

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,
THIRUKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
E.5, KOOVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT,

CC to M/S A.KALAIVANAN Advocate on payment of necessary charges
SR.NO.4162

CRL OP.6047/2021

Date :26/03/2021

rvr 15/04/2021

सत्यमेव जयते

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