

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7196 of 2021

GOPINATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI.
CRIME NO. 55/2021

[RESPONDENT]

For Petitioner : M/S.N.ELAYARAJA Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 341 and 506(ii) of IPC in Crime No.55 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioner and the defacto complainant. Due to which there was altercation between the petitioner and the defacto complainant. Hence, the complaint came to be registered.

3.The learned counsel appearing for the petitioner would submit the disputed land is his ancestral property and he has also filed a suit O.S.No.136 of 2016 before the Principal District Judge Krishnagiri and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that there there was a land dispute between the parties for which the petitioner has also filed a suit in O.S.No.136 of 2016 before the Principal District Judge Krishnagiri and the same is pending. He would further submit that already co-accused has been granted bail by this Court in Crl.O.P.No.7180 of 2021 dated 17.04.2021 However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that it seems to be civil dispute and the petitioner has filed a suit before the concerned Court and already the co-accused has been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.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.2, Krishnagiri, on condition that the petitioner shall execute 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders.

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2021

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.2,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.ELAYARAJA Advocate on payment of necessary charges

CRL OP.7196/2021

Date :27/04/2021

WEB COPY

MN-29/06/2021