

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10187 of 2021

Venkatesan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kottakuppam Police Station,
Villupuram District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
connection with the Crime No.84 of 2021, on the file of the respondent
police.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent police for
the offences punishable under Sections 294(b), 323, 506(i) of IPC,
r/w 4 of TNPWH Act in Crime No. 84 of 2021 and he seeks anticipatory
bail.

2. The case of the prosecution is that the petitioner and the
defacto complainant are siblings. It is the case of the prosecution
that the petitioner assaulted the defacto complainant on account of
some property dispute.

3. However, it is the case of the petitioner that he is innocent
and he is no way connected with the alleged offence and a false case
has been foisted against him.

4. The learned Government Advocate (Crl.side) appearing for the respondent police on instructions would submit that the defacto complainant sustained minor injuries and was treated as out patient. It is also submitted by him that one previous case is pending against the petitioner pertaining to the same property dispute.

5. After giving due consideration to the afore mentioned factors and in view of the fact that the dispute is a property dispute, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Vanur 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/06/2021

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,
VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.10187/2021

Date :10/06/2021

cs 09/07/2021

WEB COPY