



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

Thursday, the Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13670 of 2021

SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
PALLIPALAYAM, NAMAKKAL DISTRICT
CR NO. 515/2021

For Petitioner : M/S.M.MARIMUTHU Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b) 323, 324 and 307 of IPC in Crime No.515 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 families of elder sister of the defacto complainant and her in-laws and with regard to the same, the case is pending before the Civil Court. It is further alleged that on 27.07.2021, the accused along with the petitioner and 10 un-identifiable persons were unloading the cement pillars, cement roofs and bamboo sticks in order to put a shed in the disputed land. On questioning the same by his uncle, the accused attacked him and he was scared of their activities, he called the defacto complainant over phone. He came to the spot and questioned the accused and the petitioner. They abused him with filthy language and started to attack him with hands, stones and wooden logs. Thereby, the defacto complainant and her aunt and his nephew had sustained injuries and they were taken treatment in the hospital. Hence, the present complaint was lodged by the defacto complainant.



3.The learned counsel appearing for the petitioners submits that the petitioner being a Civil Engineer, had not involved in the scuffle and he is in no way connected with their land dispute and he had only gone to the construction site to supervise his works and he was attacked by the defacto complainant and due to which, a counter case was also registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that due to civil dispute between the parties, the occurrence had taken place and there was a counter case also registered. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and there was a counter case, 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, Kumarapalayam, Namakkal District on condition that the second 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 for a period of two weeks and thereafter 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 second 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/-

05/08/2021

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,
KUMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKLA (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
PALLIPALAYAM, NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MARIMUTHU Advocate on payment of necessary charges
Sr.8234

CRL OP.13670/2021

Date :05/08/2021

RVR 13/08/2021