



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

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI  
CRIMINAL ORIGINAL PETITION No.14591 of 2021

VIJAYAKUMAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
VALATHI POLICE STATION,  
VILLUPURAM DISTRICT.  
(CRIME NO.245/2021)

[ RESPONDENT ]

For Petitioner : M/S G.NIRMAL KRISHNAN Advocate

For Respondent : MR. A.GOPINATH, Govt. 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 for the alleged offence punishable under Sections 147, 341, 294(b), 353, 332 and 506(i) of IPC in Crime No.245 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have encroached the 12 cents government poramboke land in the National Highways in order to build a house. When the same was questioned by the defacto complainant/ Road Inspector, Highways Department, the petitioner has abused and deters him with from discharging his official duty and also threatened him with dire consequences. Hence, the defacto complainant registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that petitioner along with other accused persons have encroached the 12 cents government poramboke land in the National Highways in order to build house. When the same was questioned by the defacto complainant/ Road Inspector, Highways Department, the petitioner has abused and deters him with from discharging his official duty and also threatened him with dire consequences. He further submits that petitioner's two earlier applications were dismissed by the lower court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering facts and circumstances of the case and there is no serious allegations made against the petitioner, 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, Gingee, Villupuram District, 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 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 petitioners 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.

WEB COPY

-sd/-  
17/08/2021

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,  
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,  
VILLUPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,  
VALATHI POLICE STATION,  
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S G.NIRMAL KRISHNAN Advocate on payment of necessary charges

CRL OP.14591/2021

Date :17/08/2021

INBA 26/08/2021