



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16451 of 2021

JAYAKODI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ARUMBAVOOR POLICE STATION,
PERAMBALURE DISTRICT.
(CR.NO. 463 OF 2021)

[RESPONDENT]

For Petitioner : M/S.S.V.KARTHIKEYAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. 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), 323 and 506(ii) of IPC in Cr.No.463 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are adjacent land owners. Due to boundary dispute, they had some previous enmity. While ploughing the petitioner's land, the brother of the petitioner namely Rajkumar damaged the land of the de-facto complainant. When the same was questioned by the de-facto complainant, the said Rajkumar attacked the de-facto complainant and her husband and they both sustained injuries. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused person.

3.The learned counsel appearing for the petitioner submit that the petitioner has not been committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI side) submits that injured person has been discharged from the hospital.



5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Perambalure, 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 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/-
09/09/2021

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 ADDITIONAL MAHILA COURT,
PERAMBALURE.

2 THE SUB INSPECTOR OF POLICE,
ARUMBAVOOR POLICE STATION,
PERAMBALURE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.V.KARTHIKEYAN Advocate on payment of necessary
charges SR.NO.9807

CRL OP.16451/2021

Date :09/09/2021

CSK 28/09/2021