

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19720 of 2020

Kanmani

... petitioner

Vs.

State Rep. by The Inspector of Police,  
Vellavedu Police Station,  
Thiruvallur District.  
(Crime No.2633 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.2633 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.S.Karthikeyan  
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 354 of IPC, in Crime No.2633 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the parties, which resulted in a wordy quarrel and the victim is said to have been attacked by the accused person and sustained injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and they have nothing to do with the alleged offence. He further submitted that there was a land dispute between the parties, as a result of which false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner .

4. The learned Additional Public Prosecutor submitted that there are no previous cases pending against the petitioner. He further submitted that co-accused has already been released on bail.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Poonamallee, Thiruvallur District, on condition that each of the petitioner shall execute a separate 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 condition 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/01/2021

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.II, POONAMALLEE, THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
VELLAVEDU POLICE STATION,  
THIRUVALLUR DISTRICT.

CC to M/S K.T.S.SIVAKUMAR Advocate on payment of necessary  
charges Sr.261

CRL OP.19720/2020

Date :07/01/2021

RVR 21/01/2021