

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20111 of 2020

V.Selladurai

... Petitioner/ Accused

Vs.

The State, represented by, ... Respondent/Complainant
The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
(Crime No.794 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in connection with Crime No.794 of 2020, on th file of the Inspector of Police, Erumapatti Police Station, Namakkal District.

For Petitioner : Mr.K.Nagendra Prasad

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused and he has been implicated with the crime for the offence punishable under Sections 294 (b), 323, 324 and 506(i) of I.P.C., in Crime No.794 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are neighbours and due to land dispute the petitioner said to have abused the defacto complainant in filthy language and also assaulted him, as a result of which he sustained injuries. Hence the compliant.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in the above said offence. Accordingly he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that that there is no previous case pending against the petitioner.

5. Taking into consideration of the fact that due to a land dispute, there has been a wordy quarrel between neighbours and the injured also discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] 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, Sendamangalam**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-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,
SENDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERUMAPATTI POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.K.NAGENDRA PRASAD Advocate on payment of
necessary charges SR.NO.233

CRL OP.20111/2020

Date :07/01/2021

TA-22/01/2021

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