

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20052 of 2020

Muruganatham

... Petitioner/ Accused 2

Vs.

The State, represented by, ... Respondent/Complainant
The Inspector of Police,
Perumanallur Police Station,
(Crime No. 508 of 2019)

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 in Crime No. 508 of 2019 of 2020, on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrayed as accused No.2, apprehends arrest at the hands of the respondent for the alleged offence punishable under Sections 477 of IPC and Section 3 of TN Public Property (Prevent of Damage & Loss) Act, 1992 by the respondent police in Crime No. 508 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the defacto complainant and the petitioner are neighbours and on the date of occurrence, the petitioner said to have trespassed into the defacto complainant land and has caused damages to the saplings and the wire fencing maintained by the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is a civil dispute in between the parties, due to the same, there was a complaint registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous cases as against the petitioner and it is civil dispute in between the parties. However, he opposed grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the petitioner is the neighbour of the defacto complainant and the occurrence took place due to a civil dispute in between the parties, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner/A2 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate No.4, Tiruppur**, 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, 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 as and when required;**

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

7.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,
NO.4, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR.

+1 CC to M/S J.FRANKLIN Advocate on payment of necessary
charges SR.NO.234

CRL OP.20052/2020

Date :07/01/2021

सत्यमेव जयते

TA-22/01/2021

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