



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19055 of 2021

M.P.NAGARAJAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THEVOOR POLICE STATION,
SALEM DISTRICT.
(CR.NO.163 OF 2021)

[RESPONDENT]

For Petitioner : M/S.T.N.RANGESH KANNA Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. Side)

For Intervenor : MR.HEMA SAMPATH, SENIOR COUNSEL
For M/S.K.V.MUTHU VISAKAN Advocate

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 under Sections 147, 294(b), 427 and 506(ii) of Indian Penal Code in Cr.No.163 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were neighbouring agricultural land owners. Due to previous dispute between them, the petitioner along with other accused persons damaged the fence of the petitioner. Thereby, the law enforcing agency 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. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) submits that the petitioner and the defacto complainant are neighbouring land owners, due to previous dispute between them, the petitioner along with other accused persons damaged the fence of the petitioner worth about Rs.12,000/-. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. The learned Senior counsel appearing for the Intervenor submits that the petitioner has been frequently disturbing the defacto complainant by entering into his lands. Hence, she vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions made by the counsels, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I, Sankari*, 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 anticipatory 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/-

21/10/2021

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.I,
SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THEVOOR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.N.RANGESH KANNA Advocate on payment of necessary charges SR.NO.11526

CRL OP.19055/2021

Date :21/10/2021

CSK 28/10/2021