

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM :

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.No.20458 of 2020

Mayilsamy

... Petitioner

Vs.

State rep. by
Inspector of Police,
Alangiyam Police Station,
Dharapuram Taluk,
Tiruppur District.
(Crime No.1113 of 2020).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime No.1113 of 2020 on the file of the respondent Police pending investigation.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 and 506(ii) IPC in Crime No.1113 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours and having lands adjacently. On 11.12.2020, the defacto complainant was fertilizing his land and passing of seepage water into the petitioner's land. The petitioner questioned the same and started abusing and assaulted the defacto complainant by iron pipe on his head. Due to which, the defacto complainant sustained injuries and admitted in the hospital. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted 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 Additional Public Prosecutor that due to civil dispute, the petitioner abused and assaulted the defacto complainant by using iron pipe. Now the defacto complainant discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Mr.K.Sudhakar, learned counsel for the Intervenor/ defacto complainant strongly opposed the bail application.

6.Taking into consideration the facts and circumstances of the case and the occurrence had taken place due to wordy quarrel and the injured has been discharged from the 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, Dharapuram, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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/-
06/01/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
DHARAPURAM TALUK, TIRUPPUR DISTRICT.

+ 1CC to M/S.N.PONRAJ Advocate on payment of necessary charges SR NO. 168

+1 CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges SR NO. 248

CRL OP.20458/2020

Date :06/01/2021

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