

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20477 of 2020

K.Ramesh

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Taluk Police Station,
Tiruvavarur District.
(Crime No.1605 of 2020)

... Respondent

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.1605 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.N.Palanivel

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

O R D E R

(The case has been heard through video conference)

The petitioner was the sole accused. He has been charged with for the offence punishable under Sections 294(b), 341, 352, 427, 437, 447 and 506(ii) of I.P.C. in Crime No.1605 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that there is a land dispute between the defacto complainant and the petitioner/accused. It is also stated that there is a civil suit is pending in respect of disputed site, now alleging that the petitioner, a Police Constable, demanding money from the defacto complainant, the present complaint has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is a land dispute between the parties and a civil suit is also pending with respect to the site. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. I have heard the rival submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. On perusal of records, it could be seen that there is a land dispute exists between the petitioner and the defacto complainant and also there is a civil suit is pending between the parties in respect of disputed site. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate, Thiruvarur, on condition that the petitioners 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 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].

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

-sd/-
05/01/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary charges
SR.No.41

सत्यमेव जयते

CRL OP.20477/2020

Date :05/01/2021

cs 07/01/2021

WEB COPY