

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20910 of 2020

Ponnusamy

... Petitioner

Vs.

State by

The Inspector of Police,
Selaiyur Police Station,
Chennai,
(Crime No.1266 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No. 1266 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 448, 427, 380 and 506(i) of IPC in Crime No.1266 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner and the de facto complainant are neighbours and that there was a civil dispute, due to which, the petitioner is alleged to have threatened the de facto complainant with dire consequences and also stolen the construction materials worth about Rs.3,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that earlier the petitioner has given a complaint against the de facto complainant on 27.06.2019 alleging that he is interfering his peaceful possession and

enjoyment and in counter blast, this complaint has been given as if some construction materials have been stolen from the de facto complainant's house. Hence, he prays to grant anticipatory bail to the petitioner.

4. Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the de facto complainant are neighbours and due to civil dispute, the petitioner has trespassed into the house of the de facto complainant and stolen the construction materials worth about Rs.3,00,000/- and threatened the de facto complainant with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and that the occurrence had taken place due to civil dispute, 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, Tambaram, on condition that the petitioner shall execute a 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 report before the respondent police as and required for the 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/-
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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
CHENNAI.

CC to M/S. V.PARTHIBAN Advocate on payment of necessary charges

CRL OP.20910/2020

Date :05/01/2021

MK:20/01/2021

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