



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22008 of 2021

Vadivel

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Kachirayapalayam Police Station,
Kachirayapalayam,
Kallakurichi District.
(Crime No.557 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner/accused on bail in the event of his arrest in Crime No.557 of 2021 on the file of the respondent Police.

For petitioners : Mr.V.Manimaran

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehenda arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 324 and 506(ii), 307 and 302 of IPC, in Crime No.557 of 2021, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that due to a land dispute, the petitioner abusing with filthy language and assaulted the defacto complainant. Hence, this complaint.

4.The learned counsel for the petitioner further would submit that the petitioners are innocent and he has not committed any offences as alleged by the prosecution. Hence, they prays for grant of anticipatory bail.



5.The learned Government Advocate would submit that the investigation is almost completed and no previous cases against this petitioner. He would further state that the co-accused has already been released on bail.

6.Taking into consideration the nature of allegation and also that there is no specific overt act against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.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, Kallakurichi and District, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

24/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KACHIRAYAPALAYAM POLICE STATION,
KACHIRAYAPALAYAM,
KALLAKURICHI DISTRICT.

+1 CC to M/S.V.MANIMARAN Advocate on payment of necessary
charges SR.NO.13421

CRL OP.22008/2021

Date :24/11/2021

TA-26/11/2021