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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22551 of 2021

Thilagavathy

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Vadapathimangalam Police Station,
Tiruvarur District.
(Crime No.235 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in crime No.622 of 2021, on the file of the respondent police.

For petitioner : Mr.N.Palanivel

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

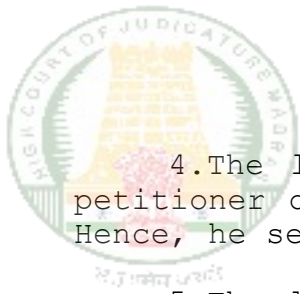
ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 341, 323, 324 and 506(ii) of IPC, in Crime No.235 of 2021, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that due to pathway dispute, the petitioner abused the defacto complainant and assaulted the defacto complainant. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.



4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate would submit that the injured has been discharged from the hospital and investigation is almost completed.

6.Taking into consideration the nature of offence and the submissions made by both the counsels and taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Mannargudi, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/11/2021

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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.II, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary charges SR.NO.13492

CRL OP.22551/2021

Date :26/11/2021

TA-29/11/2021