



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24059 of 2021

Kawaskar @ Aravith @ Aravindan

...Petitioner

Versus

State Rep by
The Station House Officer,
Marakkanam Police Station,
Villupuram District.
(Crime No.421 of 2021)

...Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.421 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.B.Devakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

Order

The petitioner, who apprehends arrest for the alleged offences under Section 294(b), 307, 324, 341 and 506(ii) of IPC in Cr.No.421 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to some land dispute, the petitioner assaulted the defacto complainant with iron rod. In the said attack, the defacto complainant sustained grievous injuries on his head and face. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the credit of the crime number and also conceded to be disbursed to the defacto



complainant as per the Court order. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner assaulted the defacto complainant on his head. On the said attack, the defacto complainant sustained grievous injuries. He further submits that the injured person has been discharged from the hospital. However, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that the injured has been discharged from the hospital and that the petitioner, on his own volition, is ready to deposit an amount of Rs.20,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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-II, Dindivanam** 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 learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Cr.No.421 of 2021 before the **learned Judicial Magistrate-II, Dindivanam** within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned **learned Judicial Magistrate-II, Dindivanam** shall disburse a sum of Rs.20,000/- to the defacto complainant obtaining an affidavit of undertaking from the defacto complainant that in the event of the petitioner succeeding the case, the amount of Rs.20,000/- received by him would be returned back to the petitioner to the credit of Cr.No.421 of 2021 will be returned to the petitioner within a period of two weeks from the date of deposit.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m until further orders;



(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 anticipatory 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/12/2021

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,
NO.II, DINDIVANAM, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
MARAKKANAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S. B.DEVAKUMAR Advocate on payment of necessary charges SR.NO.15080

CRL OP.24059/2021

Date :17/12/2021

TA-29/12/2021