



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24720 of 2021

P.Murugan

... Petitioner

Versus

State Rep by
The Inspector of Police
Perumbalai Police Station,
Dharmapuri District.
(Crime No.34 of 2016)

... 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.34 of 2016 pending investigation on the file of the respondent police.

For Petitioner : M/s.M.Senthamizh Selvan

For Respondent : Mr. A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under sections 147, 148, 294(b), 323, 324, 307 of IPC in Crime No.34 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a street pipe quarrel between the petitioner and the defacto complainant. The petitioner is alleged to have abused the defacto complainant and his family members in filthy language and also attacked them. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that due to previous enmity regarding some land dispute, the petitioner is alleged to have abused the family members of the defacto complainant in filthy language and assaulted them. He further submits that the



said offence was occurred in the year 2016 and on 31.03.2016, the petitioner was granted anticipatory bail by the Court below. Thereafter, the petitioner was absconded and could not surrender before the concerned Court. Since, there is more than 5 years of delay to surrender, the anticipatory bail granted to the petitioner was dismissed on 03.12.2021. He furthermore submits that the investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the said offence was occurred in the year 2016 and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

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, Pennagaram, Dharmapuri 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 learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police on every Saturday 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]; and;



(f) 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,
PENNAGARAM, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
PERUMBALAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SENTHAMIZH SELVAN Advocate on payment of necessary charges Sr.15383

CRL OP.24720/2021

Date :17/12/2021

RVR 28/12/2021