



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25909 of 2021

Thirupathy

...Petitioner

Versus

State represented by
The Inspector of Police,
Thiruppathur Taluk Police Station,
Thiruppathur District.

....Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.471/2021 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.471 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to a land dispute, on 21.12.2021, when the defacto complainant grazing his cows, the petitioner said to have waylaid him and picked up quarrel with him, as a result of which, he attacked him with wooden log on his hands and legs. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that he is an innocent person and he is no way connected with the offence. He would submit that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to a land dispute, the petitioner has waylaid the defacto complainant and assaulted with wooden log, thereby, he has caused grievous injury. Due to which, injured lost one teeth. He would submit that injured discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that on the date of occurrence, due to a wordy quarrel between the parties, thereby the petitioner said to have waylaid and assaulted the defacto complainant with wooden log, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 No.II, Thiruppathur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c]the petitioner shall not tamper with the 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 is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.



[g] If the injured has lost a teeth, the respondent police shall alter the offence forthwith.

WEB COPY

-sd/-
29/12/2021

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, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUPPPATHUR TALUK POLICE STATION,
TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.No.15711

CRL OP.25909/2021

Date :29/12/2021

CSK 03/01/2022