



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11162 of 2021

Palanisamy

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
Crime No.404/2021

...Respondent/Complainant

For Petitioner : Mr.K.GUNASEKARA PANDIYAN,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.404 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 341, 294(b), 324 and 506(ii) of IPC, in Crime No.404 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the petitioner and the de-facto complainant regarding sharing of water from public channel. On 05.08.2021, when the de-facto complainant was laying pipe in his farmland, the petitioner came there and abused the de-facto complainant in filthy language and also attacked him with a spade. Hence, the present case has been registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the injured has been discharged from the hospital. He would further submit that the petitioner is having one previous case and it ended in acquittal.

5.Considering the facts and circumstances of the case, the fact that the previous case ended in acquittal and also the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchathiram, Dindigul 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(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 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

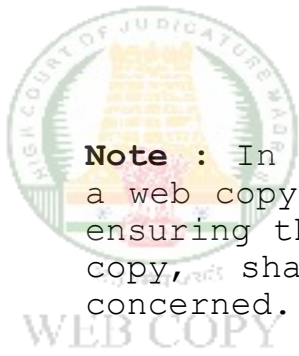
sd/-

16/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE
ODDANCHATHIRAM, DINDIGUL DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KALLIMANDIYAM POLICE STATION,
DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11162 of 2021
Date :16/08/2021

SA/VR/SAR.4/27.08.2021/3P/5C