



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : **22/11/2021**

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17946 of 2021

C.Vijayachandran ... Petitioner/Accused Rank
Not known

Vs

State Represented by
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
(In Crime No.848 of 2021) ... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)
For Intervenor : Mr.K.Veilmuthu, Advocate
for P.M.Saravanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.848 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 294(b), 324 and 506(ii) IPC, in Crime No.848 of 2021 on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto
complainant's mother is residing at Pandamangalam and they are
having an own cemetery. The petitioner is owning the adjacent plot
and he encroached the defacto complainant's cemetery area. When he
questioned the same, the petitioner quarrelled with him. Thereafter,
the defacto complainant put up a rope in the border of his land.
While on 18.10.2021, when he went to his mother's house, he



found that the rope was moved. Therefore, the defacto complainant attempted to erect fencing. At that time, the petitioner attacked the defacto complainant with crow bar on his cheek and head and also threatened with dire consequences.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. In fact, the petitioner was constructing a house in the land assigned to his mother by the Government and the defacto complainant, who is the retired HOD, with his henchmen threatened the petitioner and damaged the foundation of the construction to the tune of Rs.1,50,000/-. When he questioned the same, the defacto complainant tried to attack the petitioner with crow bar, but, he accidentally fell down in the foundation pit and sustained injury on his head. Hence, he prayed for grant of bail to the petitioner.

4. Earlier, this Court by order dated 26.10.2021 dismissed the anticipatory bail application on the ground that injured is still in hospital.

5. Today, when the matter came up for hearing, the learned Government Advocate (Crl.side) submits that injured has been discharged from the hospital on 04.11.2021.

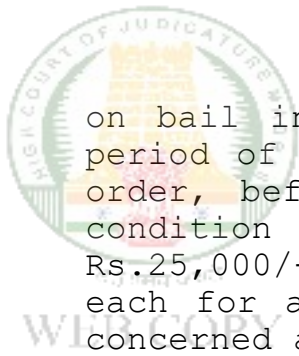
6. The learned counsel appearing for the defacto complainant objected for grant of anticipatory bail and submitted that the victim has suffered a head injury and he was taking treatment for more than 15 days.

7. The learned counsel for the petitioner submitted that the defacto complainant has attempted to put up fencing, which was objected by the petitioner and therefore, there was a scuffle between both parties and during the scuffle, the defacto complainant fell down and he suffered injury.

8. Taking into consideration of the facts and circumstances of the case, the nature of allegation against this petitioner and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand) to the victim through the respondent police, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.IV, Trichy.

10. On production of receipt/acknowledgement for having paid the sum of Rs.10,000/- to the victim, 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 No.IV, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judge 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 daily at 10.30 a.m., until further orders.

(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/-

22/11/2021

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.



3 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-8403[I] dated 23/11/2021)

+1 CC to M/s.P.M.SARAVANAN, Advocate (SR-8349[I] dated 22/11/2021)

ORDER

IN

CRL OP(MD) No.17946 of 2021

Date :22/11/2021

PKP/JC/SAR-3/26.11.2021/4P/7C