



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1054 of 2022

Anbazhagan

... Petitioner

Vs.

State, rep.by its
The Inspector of Police,
Anandapuram Police Station,
Villupuram District.
(Crime No.503/2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.503 of 2021 on the file of the Inspector of Police,
Anandapuram Police Station, Villupuram District.

For Petitioner : M/s.M.Mahendran

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 punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC in Crime No.503 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to overflow of irrigation water through canal from defacto complainant's agriculture land to petitioner's land, a wordy quarrel arose between petitioner's mother and the defacto complainant., due to which, the petitioner abused him in filthy language, assaulted him with deadly weapons and threatened him with dire consequences and also caused injuries on his head. Hence, the complaint.



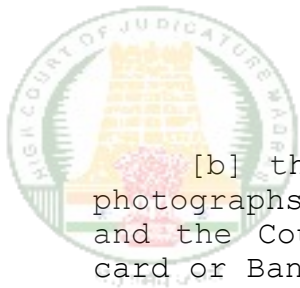
3.The learned counsel appearing for the petitioner submits that the petitioner had not committed any such offence as alleged by the prosecution and he has been falsely implicated him in this case. The learned counsel for the petitioner also submits that the petitioner is the owner of the land in which root cause of the land dispute arise between the petitioner's mother and the defacto complainant. In order to defame the petitioner, a false complaint was given by the defacto complainant. However, on instructions, he submits that the petitioners without prejudice to his rights, on his own volition, is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.503 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor (Crl.Side) submits that the the injured had sustained head injuries and 10 stitching done for healing of the head injury. He further submits that the investigation was almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering that the injured has been discharged and investigation was almost completed and also the fact that the petitioner is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.503 of 2021, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned learned Judicial Magistrate Court, Gingee, Villupuram 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.503 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;



[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;

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[c] the petitioner shall report before the respondent police on every Wednesday at 10.30a.m for a period of four weeks and thereafter as and when required for an interrogation;

[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 has 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
20/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
ANANDAPURAM POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MAHENDRAN Advocate on payment of necessary charges
SR.NO.840

CRL OP.1054/2022

Date :20/01/2022

JPA 27/01/2022