



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3337 of 2022

L.SELVAM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.46 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.A.MARIAPPAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 427 & 506(i) of IPC in Crime No.46 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who purchased the adjacent land which belongs to the defacto complainant, without conducting any survey, trespassed into the same and threatened her with dire consequences by using filthy language and also damaged the Green Shed. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the first offender, and due to previous enmity, this case has been falsely registered as against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that during the relevant point of time, the petitioner abused the defacto complainant without any reasons. However, he admits that the portion of the investigation has been completed.

5. Submissions made by the learned Counsels appearing on either sides are considered.

6. The respondent Police registered a case against the petitioner for the offence punishable under Sections 294(b), 427 & 506 (i) of IPC. Admittedly, the petitioner and the defacto complainant are neighbours. Further, they are having previous enmity. In otherwise, the averments found in the First Information Report would disclose the fact as, there was a wordy quarrel and as a result of which the property owned by the defacto complainant was damaged. Though, it was stated as above, the value of the property which has been damaged has not been mentioned in the First Information Report.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate Court No.1, Hosur, 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 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 shall report before the respondent police daily at 10.00 a.m., for a period of thirty (30) days 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/-

14/02/2022

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.I, HOSUR, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.M.ANANTHA KUMAR Advocate on payment of necessary charges SR.NO.2352

CRL OP.3337/2022

Date :14/02/2022

RW 18/02/2022