



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12710 of 2022

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT
CRIME NO.266 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.M.HARINI Advocate

For Respondent : M/S.V.MEGANATHAN, 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 offence under sections 294(b), 323 of IPC and Section 4 of TNPHW Act, 2002 in Crime No.266 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was fencing his lands after ascertaining and fixing the boundaries and the same was objected by the defacto complainant and there was exchange of heated words and commotion due to which the petitioner is alleged to have attacked the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner is a Doctor. The petitioner and the defacto complainant are adjacent land owners. The defacto complainant claimed that there



is pathway and objected the defacto complainant fencing his lands, however, there is no pathway. If at all there is pathway, the defacto complainant has to approach the civil Court and should not show force against the petitioner. The learned counsel further submitted that during the time of quarrel, the defacto complainant fell down and sustained injuries. Thereafter, she went to the Hospital, got admitted and lodged the complaint as though the petitioner attacked her. Accordingly, the learned counsel prays for grant of Anticipatory Bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is alleged to have assaulted the defacto complainant using stick all over the body due to which she sustained injuries. Initially, the defacto complainant took treatment at Avinashi Government Hospital and thereafter she was admitted in Tiruppur General Hospital. Based on the information received from the said Hospital, the case was registered.

5.Heard the submissions made by the learned Counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the submission made on either side and perusal of materials available, the fact that the petitioner and the defacto complainant are adjacent land owners and the dispute is with regard to fencing of the property, there has been huge arguments and commotion, this Court is inclined to grant anticipatory bail to the petitioner subject to imposing conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate, Avinashi, Tiruppur 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, failing which the petition for anticipatory bail shall dismissed 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 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/-

27/05/2022

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,
AVINASHI, TIRUPPUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PRABAKAR Advocate on payment of necessary charges
SR.NO. 8231

CRL OP.12710/2022

Date :27/05/2022

RW-01/06/2022