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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25660 of 2021

Thangavel

.. Petitioner

Vs.

The State Rep.by
Inspector of Police
Kolathur Police Station,
Salem District.
Crime No.438 of 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 arrest in Crime No.438 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Krishnamoorthy

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323, 324 506(ii) of IPC in Crime No.438 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioner and the defacto complainant, due to which, the petitioner abused the defacto complainant with filthy language and attacked him with deadly weapons, threatened him with dire consequences and caused injuries on him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.5,000/- to the credit of Crime No.438 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that there was a case in counter.

5. Considering the fact that there is a case in counter and also the fact that the petitioner is ready to deposit a sum Rs.5,000/- to the credit of Crime No.438 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.438 of 2021, 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 petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.1, Mettur 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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.438 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 the defacto complainant is permitted to withdraw the said deposit amount of Rs.5,000/- 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;

[c] the petitioner shall report before the respondent police on Wednesday at 10.30p.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/-

03/01/2022

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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,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. S.KRISHNAMOORTHY Advocate on payment of necessary charges

CRL OP.25660/2021

Date :03/01/2022

INBA-06/01/2022