

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4711 of 2020

B.VIJAY @ LINGUSWAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE,
COIMBATORE DISTRICT.
CR.NO.89 OF 2020

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : M/S. K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 324, 307 IPC r/w Section 3(1) Prevention of Damage to Public Property Act. 1984, in Crime No.89 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 16.02.2020, at about 05.30 p.m., when the de-facto complainant was working as a cashier in a bar attached to a TASMAL shop, there was a wordy quarrel between the petitioner and de-facto complainant, as a result of which, the petitioner along with other accused persons have assaulted the de-facto complainant and caused injuries and also damaged to the items in the bar worth about of Rs.10,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and there is no previous case pending as against him. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 16.02.2020, at about 05.30 p.m., the de-facto complainant was working as a cashier in a bar attached to a TASMAL shop and there was a wordy quarrel between the petitioner and defacto complainant, as a result of which, the petitioner along with other accused persons have

assaulted the defacto complainant and caused injuries and also caused damaged to the items in the bar worth about of Rs.10,000/-. He would further submit that the victim has been discharged from the hospital and there is no previous case pending as against him.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.89 of 2020, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Coimbatore, 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 stand 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 Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.89 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders,

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/03/2020

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE,
COIMBATORE DISTRICT.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.No.5125

सत्यमेव जयते

CRL OP.4711/2020

Date :16/03/2020

cs 06/05/2020

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