

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5689 of 2020

S.RAMESH

[PETITIONER / ACCUSED]

Vs

STATE BY:

[RESPONDENT]

THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
MOHANUR, NAMAKKAL DISTRICT.
CRIME NO.21 OF 2020

For Petitioner : M/S.RADHIKA BOOPATHI Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323 and 506(1) of IPC, in Crime No.21 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to a money dispute, the petitioner is alleged to have attacked the defacto complainant. Hence, this complaint.

3. The learned counsel for the petitioners submitted that the petitioner was already granted anticipatory bail by this Court in CrI.O.P.No.1217 of 2020, dated 27.01.2020. However, the petitioner was not able to comply with the conditions as directed by this Court due to illness and the earlier bail order has got automatically cancelled by lapse of time. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he again prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant sustained only simple injuries and was treated as an out patient. The petitioner was earlier granted anticipatory bail and since he did not surrender it has got lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the injured was treated as an out patient, this Court is inclined to grant anticipatory bail to 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Namakkal, 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 pay Rs.1,000/- to the Legal Services Authority attached to the concerned Court.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for 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 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].

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

-sd/-
17/03/2020

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.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MOHANUR POLICE STATION,
MOHANUR, NAMAKKAL DISTRICT.

5 THE SECRETARY,
TAMILNADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1CC to M/S.RADHIKA BOOPATHI Advocate on payment of necessary charges SR NO.5245

CRL OP.5689/2020

Date :17/03/2020

MK:21/05/2020

WEB COPY