

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5885 of 2020

RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.17 OF 2020.

[RESPONDENT]

For Petitioner : M/S.D.LAKSHMIPATHY 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 petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, and 506(ii) of IPC, in Crime No.17 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 23.02.2020 at about 03.30 p.m., the petitioner went to the de-facto complainant's shop and asked her to give one Cigarette on credit and the same was refused by the facto complainant, at that time, there was a wordy quarrel between the petitioner and the de-facto complainant, the petitioner had abused and assaulted the de-facto complainant with stick and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence by the prosecution 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 23.02.2020 at about 03.30 p.m., the petitioner went to the de-facto complainant's shop and asked her to give one Cigarette on credit and the same was refused by the facto complainant, at that time, there was a wordy quarrel between the petitioner and the de-

facto complainant, the petitioner had abused and assaulted the de-facto complainant with stick and caused injuries. 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 into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.I, Mannargudi, 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 conditions 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 report before the respondent police, daily at 10.30 a.m., until further orders.

[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]**.

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

-sd/-
13/03/2020

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, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
TIRUVARUR DISTRICT.

+1CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges SR NO.5064

CRL OP.5885/2020

MK:20/03/2020

Date :13/03/2020

WEB COPY