

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.6872 of 2020

S. Selvakumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
M-3, Puzhal Police Station,
Puzhal,
Thiruvallur District.
Crime No.83 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.83 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. R. Krishnan

For Respondent : Mr. T. Shunmugarajeswaran,
Government Advocate (CrI. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 341 and 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.83 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a building contractor and on 05.03.2020, the petitioner along with other accused, came to the scene of occurrence in a drunken mood and picked up a quarrel with the defacto complainant for not purchasing the construction materials from them and also abused and assaulted the defacto complainant resulting in the defacto complainant sustaining injury in his hand. Hence, the case.

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. He would further submit that based on the confession statement of A1, the petitioner's name has been included in the said crime. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally two accused. A1 has been arrested and released on bail the petitioner is arrayed as A2. He would submit that the defacto complainant is a building contractor and the petitioner along with another, in a drunken mood had picked up a quarrel with the defacto complainant and also assaulted him resulting in him sustaining injury in his hand. He would submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the co-accused in this case has been released on bail and that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif Cum Judicial Magistrate, Madhavaram, Thiruvallur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 Aadhar 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 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].

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
31/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
MADHAVARAM, THIRUVALLUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
M-3, PUZHAL POLICE STATION, सत्यमेव जयते
PUZHAL, THIRUVALLUR DISTRICT.

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

WEB COPY

CRL OP.6872/2020

Date :31/07/2020

cs 02/09/2020