

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Cr1. O.P.No.6880 of 2020

M.Vijayakumar, 23/M,
S/o. Mohanasundaram,
5F/3, Manimekalai Street,
Kumarapalayam,
Kumarapalayam-638 183,
Namakkal District.

.. Petitioner/ 2nd Accused

Vs.

State represented by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

.. Respondent/Complainant

(Crime No.117 of 2020)

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 147, 148, 323 and 307 of Indian Penal Code, 1882 in Crime No.197 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and accused persons are friends. On 05.03.2020 there was a wordy quarrel between the defacto complainant and accused persons. The accused persons abused the defacto complainant and A1 attacked the defacto complainant with knife on his neck with an intention to kill him. On complaint, case has been registered under Sections 147, 148, 323 and 307 of Indian Penal Code, 1882.

WEB COPY

3.The learned counsel appearing for the petitioner submitted that petitioner has not indulged in any offence as alleged by the prosecution. He

has been falsely implicated as he is friend of other accused persons. The petitioner is innocent and he is willing to furnish sureties and he will not abscond or tamper with the witness. The petitioner will abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that petitioner and other accused persons abused the defacto complainant and A1 attacked the defacto complainant with knife and the petitioner is A2. He further submitted that investigation is pending and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of alleged offence, date of occurrence and the submissions of the learned counsel on either side, this Court is inclined to

grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of the Judicial Magistrate, Trichengode, 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 Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioner shall report before the respondent Police daily at 10.30 a.m, until further orders.

(iii) the petitioner shall not abscond either during investigation or trial.

The petitioner shall not tamper with evidence or witness either during

investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

26.05.2020

krk

Index : Yes / No

Internet : Yes / No

V.M.VELUMANI, J.,

krk

To

1.The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court,
Madras.



Crl. O.P.No.6880 of 2020

WEB COPY

26.05.2020