

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of June Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.7082 of 2020

ABDDUL NASER

[PETITIONER/ACCUSED]

Vs

THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT
CRIME NO.223 OF 2019

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.M.VIJAYA RAGAVAN 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 for the alleged offences under Sections 294(b), 323 and 506(i) of I.P.C. in Crime No.223 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that he is running a mobile recharge shop at Kootthanallur. There are several shops in the complex and all shop keepers are using common toilet. The accused person usually come to nearby shop to smoke cigarette and use the said toilet. Likewise on 13.08.2019 at 8.30 p.m., he came and asked to give toilet key. Since the defacto complainant refused to give the key, the accused scolded and attacked him with hands. Hence, the complaint was registered.

3.The learned counsel appearing 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 against him.

4. The learned Additional Public Prosecutor would submit that there are several shops in the complex and all shop keepers are using common toilet. On 13.08.2019 at 8.30 p.m., he came and asked to give toilet key. Since the defacto complainant refused to give key, the accused attacked the defacto complainant with hands. He would further submit that there is no previous case pending as against him.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 made ready, before the learned Judicial Magistrate Court No.II, Mannarkudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **one surety** 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/06/2020

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,MANNARKUDI

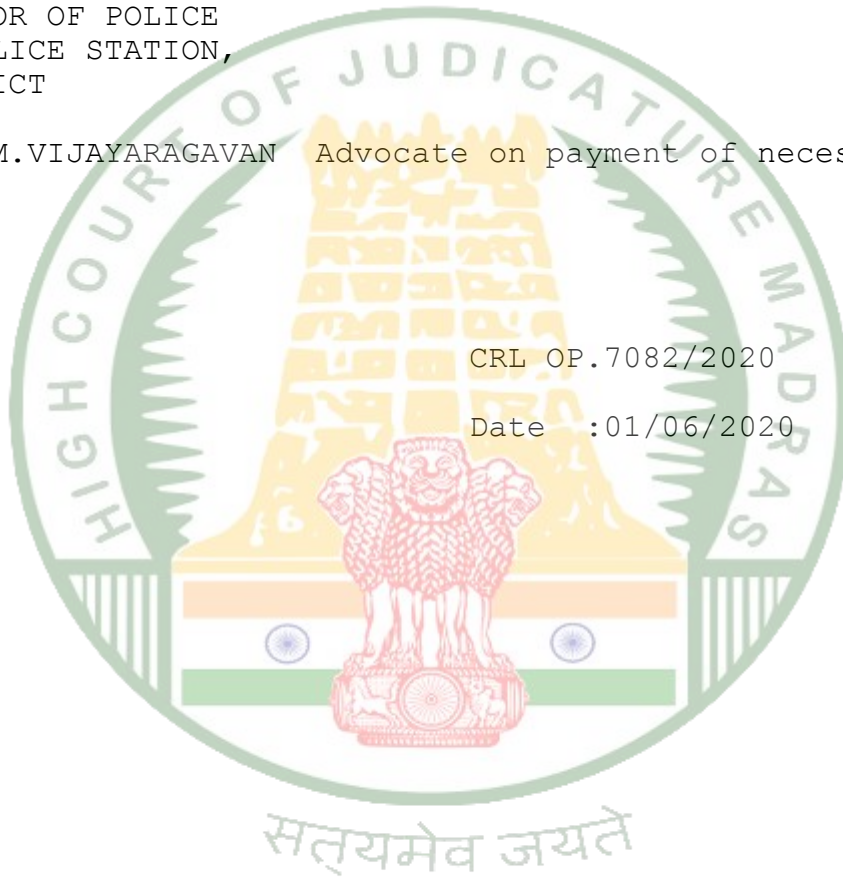
2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT

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

rd 05/06/2020



CRL OP.7082/2020

Date :01/06/2020

WEB COPY