

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No. 7136 of 2020

Jayamurugan

... Petitioner/3rd Accused

Vs.

The State

Represented by Sub Inspector of Police,
Valappady Police Station,
Salem District.

Crime No.78/2020

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on anticipator bail in the event of arrest in connection with Crime No.78 of 2020 on the file of the respondent police.

For Petitioner : Mr.D. Shivakumaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b) and 307 IPC in Crime No.78/2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on account of previous enmity regarding in relationship of defacto complainant's wife A1 and also regarding some money dispute, the petitioner has assaulted the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and on the complaint given by the petitioner's side, a counter case in Crime No.79/2020 has been registered against the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has assaulted the defacto complainant and the injured discharged from the hospital. He would further submit that there are no previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, I am 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 arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Valappady, 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 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 everyday at 10.30 am, for a period of two weeks and thereafter, every Monday 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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/07/2020

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, VALAPPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
VALAPPADY POLICE STATION,
SALEM DISTRICT.

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

CRL OP.7136/2020

Date :07/07/2020

RVR 17/08/2020