

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7721 of 2020

Santhosh (M/21 yrs),
S/o.Murugaiyan,
No.1/93, South Street,
Okaiperaiyur Village,
Koothanallur Taluk,
Thiruvarur district.

.. Petitioner/Accused No.2

Vs.

State represented by
Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.

.. Respondent/Complainant

(Crime No.247 of 2020)

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

For Petitioner : Mr.M.P.Yuvaraj
for Mr.Swami Subramanian
For Respondent : Mr.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 294 (b), 323, 324 and 506 (ii) of Indian Penal Code, 1882 in Crime No.247 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant and two others were grazing goats in the land belonging to one Jeeva, the petitioner and his father came and abused the defacto complainant in filthy language, stabbed him with knife and assaulted the defacto

complainant. The defacto complainant has been admitted in the hospital and on complaint, case has been registered under Sections 294 (b), 323, 324 and 506 (ii) of Indian Penal Code, 1882.

3.The learned counsel appearing for the petitioner submitted that due to political enmity, the petitioner has been falsely implicated in the case and he has not committed any offence as alleged by the prosecution. The petitioner is permanent resident and he will not abscond. The petitioner will cooperate with the investigation and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on the complaint by defacto complainant, a case has been registered and investigation is pending and defacto complainant is discharged from the hospital 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 offence, date of occurrence, defacto complainant is discharged from hospital 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 Judicial Magistrate No.II, Mannargudi, Thiruvarur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Judicial Magistrate No.II, Mannargudi, Thiruvarur District, 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 bond 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 once in a week on every Monday 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 laid down in the decision of the Hon'ble Supreme Court reported in **(2005) AIR SCW 5560, [P.K.Shaji Vs. State of Kerala]** and

(v)If the accused thereafter absconds, a fresh First Information

Report can be registered under Section 229A of IPC.

7. Accordingly, the Criminal Original Petition is allowed.

20.05.2020

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Index : Yes / No

Internet : Yes / No

Speaking/Non-speaking order

To

1. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.

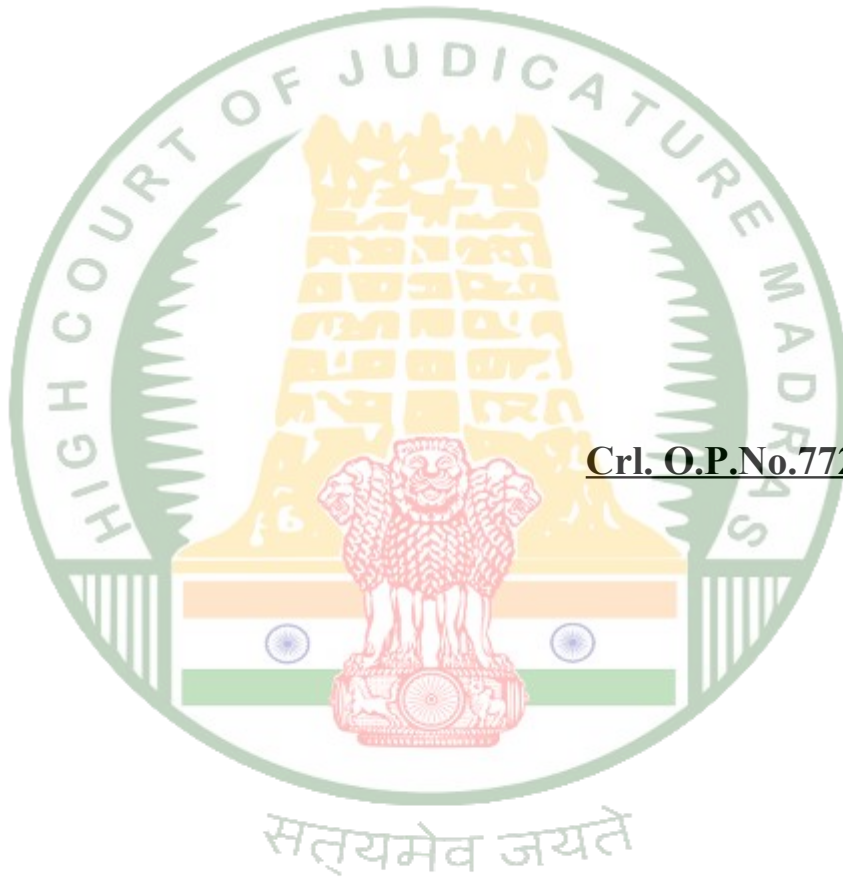
2. The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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