

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7760 of 2020

Ganapathy, (M/44 years),
S/o.Murugaiyan,
No.796, North Street,
Karuvakuruchi Colony,
Mukkulam Santhanur Post,
Mannargudi Taluk,
Tiruvarur District.

.. Petitioner/Single Accused

Vs.

State represented by its
Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
(Crime No.26 of 2020)

.. Respondent

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

For Petitioner : Mr.J.Ranjith Kumar
for Mr.J.Jawahar

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 341, 294 (b), 323 and 506 (i) of Indian Penal Code, 1882 in Crime No.26 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the driver of the Tamilnadu Transport Corporation Bus in the route of Mannargudi to Nallikottai, while driving the bus, a person riding the two wheeler dashed against the right hand side of the bus and fell down. When the defacto complainant and conductor got down from the bus to

see the person dashed on the bus, four persons belonging to the Mukkulam Darkas village tried to attack the defacto complainant and conductor. While they were escaping from them, the petitioner who came in the opposite direction, abused the defacto complainant and conductor in filthy language and attacked them with wooden log and threatened with dire consequences. The defacto complainant sustained injuries on his right hand and got admitted in the hospital. On complaint, case has been registered against the petitioner under Sections 341, 294 (b), 323 and 506 (i) of Indian Penal Code, 1882.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence. The petitioner has been falsely implicated in the case by the prosecution. The petitioner is willing to furnish sureties and 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 the petitioner abused and attacked the public servants. On complaint, case has been registered against the petitioner, 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 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.I, Mannargudi, 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.I, Mannargudi, 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 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 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 petitioner thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

7. Accordingly, the Criminal Original Petition is allowed.

21.05.2020

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Index : Yes / No

Internet : Yes / No

Speaking/Non-speaking order

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To

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

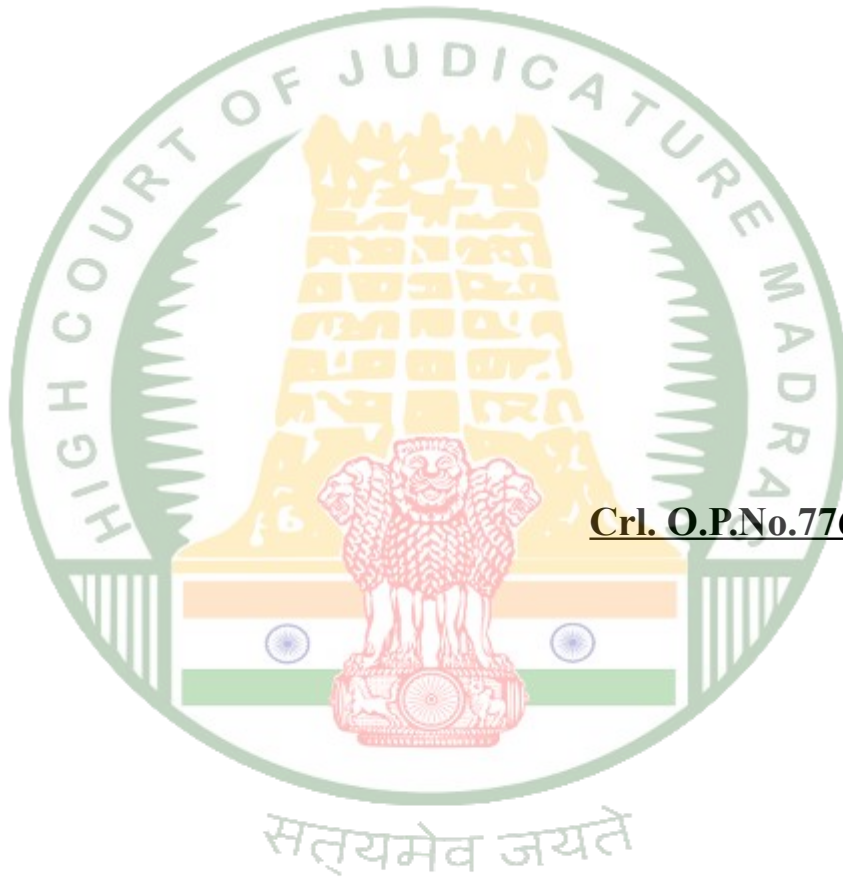
2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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