

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7801 of 2020

Gopalakrishnan,
S/o. Sivasamy,
2/17, ECR Street,
No. 4, Veerapandi,
Coimbatore District.

.. Petitioner/ Sole Accused

Vs.

The State rep. by its
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
[Crime No. 750 of 2020]

.. Respondent/ Complainant

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

For Petitioner : Mr. M. Jaikumar

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 294(b), 324 and 506 (i) of I.P.C., in Crime No. 750 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that due to dispute between the de-facto complainant and the petitioner in their business, the de-facto complainant gave a complainant to the Police in the year 2017 against the petitioner. In view of the same, the petitioner used to have quarrel with the de-facto complainant and his wife. On 07.05.2020, at about 09.30 p.m., while the wife of the de-facto complainant was walking along with one Gayathri, the petitioner picked up a quarrel, abused the wife of the de-facto complainant in filthy language and assaulted her. On information from said Gayathri, the de-facto complainant reached the occurrence place and admitted his wife in K.R. Hospital, Periyanaickenpalayam and on complaint, a case has been registered against the petitioner under Sections 294(b), 324 and 506 (i) of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner and de-facto complainant are relatives. Due to business dispute, there was a wordy quarrel between the de-facto complainant and the petitioner. While the wife of the de-facto complainant interfered to compromise, the de-facto complainant pushed her and gave false complaint against the petitioner after three days. The learned counsel appearing for the petitioner further submitted that injured person got discharged from the Hospital and there is no previous case pending against the petitioner. The petitioner is willing to furnish the 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 on complaint, case has been registered against the petitioner. The investigation is pending. The injured person 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 facts, relationship, nature of offence 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. V, Coimbatore, 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 No. V, Coimbatore, 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 as and when

required.

(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 shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

22.05.2020

Index : Yes / No
gsa

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V.M.VELUMANI, J.,

gsa

To

- 1.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
- 2.The Public Prosecutor,
High Court, Madras.



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