

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CrI.O.P. No.8032 of 2020

Sabarinathan
S/o.Kalaimani
Puthupala street
Ammaiappan
Tiruvarur District-613 701.

..Petitioner/Sole Accused

Vs.

State rep. by the Inspector of Police,
Kodarachery Police Station
Tiruvarur District.
[Crime No.42 of 2020]

..Respondent/Complainant

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

For Petitioner : Mr.P.Muthamizh Selvakumar

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 341, 294(b), 324 and

506(ii) IPC in Crime No.42 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 23.02.2020 at 2.30 p.m., the petitioner stopped the two wheeler of the defacto complainant and demanded a sum of Rs.500/- for drinking liquor. When the defacto complainant informed the petitioner that he is not having money, the petitioner abused the defacto complainant, kicked the two wheeler of the defacto complainant, took a stone and hit the defacto complainant on his head. The defacto complainant was injured and admitted in the hospital. On complaint, a case has been registered under Sections 341, 294(b), 324 and 506(ii) IPC.

3.The learned counsel appearing for the petitioner submitted that while the petitioner went to market, the defacto complainant and his relatives picked up quarrel with the petitioner due to previous enmity. The defacto complainant assaulted the petitioner. When the petitioner in order to defend himself pushed the defacto complainant, fell down and sustained injuries. The petitioner has not committed any offence as alleged by the prosecution. The defacto complainant sustained only simple injury and is discharged from the

hospital. Earlier petition filed by the petitioner in Crl.O.P.No.6449 of 2020 was dismissed by this Court on 19.03.2020 on the ground that investigation is at initial stage and the defacto complainant was not discharged from the hospital. Now the defacto complainant is discharged from the hospital and prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner demanded money from the defacto complainant. When the same was refused by the defacto complainant, the petitioner assaulted the defacto complainant. On complaint, the case has been registered. The defacto complainant is discharged from the hospital. The investigation is pending and hence, he opposed for granting anticipatory bail.

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.Taking into consideration the facts, nature of offence alleged against

the petitioner, the date of occurrence and the defacto complainant is discharged from the hospital, 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 the Judicial Magistrate, Tiruvarur, 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 concerned Judicial Magistrate, 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 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 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, 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.

29.05.2020

Index : Yes / No

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V.M.VELUMANI, J.,

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To

1.The Inspector of Police,
Kodarachery Police Station
Tiruvarur District.

2.The Public Prosecutor,
High Court, Madras.



Crl. O.P. No.8032 of 2020

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