

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.8104 of 2020

Mani

.. Petitioner

Vs.

State rep by
The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
(Crime No.896 of 2020)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.896 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Ganesan

For Respondent : Mr.K.Prabakar,
Addl. Public Prosecutor.

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 147, 148, 294(b), 324 of IPC and Section 4 of the Prohibition of Harassment of Women Act 2002, in Crime No.896 of 2020** on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 had blew the cigarette smoke on the face of the defacto complainant's father. When the same was questioned, A1 along with other accused assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that co-accused have been granted bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with others had assaulted the defacto complainant. Hence, he opposed for grant bail to the petitioner.

5.Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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 Judicial Magistrate, Valangaiman**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **one surety** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the surety 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 as and when required for interrogation.

[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 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
03/06/2020

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 JUDICIAL MAGISTRATE,
VALANGAIMAN.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

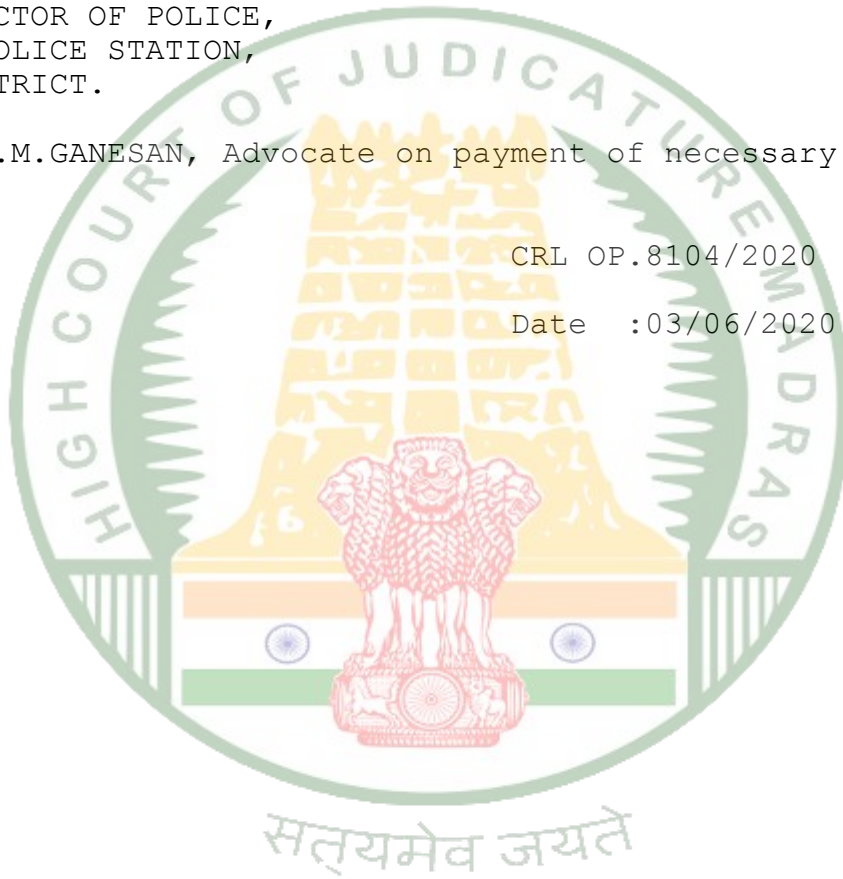
4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
TIRUVARUR DISTRICT.

CC to MR.M.GANESAN, Advocate on payment of necessary charges

CRL OP.8104/2020

Date :03/06/2020

TA-10/06/2020



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