

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8135 of 2020

Ramesh

.. Petitioner/Accused No.1

..Vs..

State rep. by
Inspector of Police
Mannargudi Town Police Station,
Thiruvarur District
(Crime No.2033 of 2020)

.. Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.2033 of 2020 on the file of the Inspector of Police, Mannargudi Town Police Station, Thiruvarur District.

For Petitioner : Mr.Swamisubramanian

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(i) of I.P.C in Crime No.2033 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that On 17.05.2020, the defacto complainant's daughter-in-law who is working as a Sub-Inspector of Police in Kottur Police Station, seized the vehicle which was used for transportation of river sand illegally and arrested the accused persons. As a result, the petitioner and his wife went to defacto complainant's house, abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence the case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the respondent police has foisted a false case against the petitioner and the petitioner has been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submit that the petitioner and his wife who is arrayed as A2 went to the defacto complainant's house and abused the defacto complainant in a filthy language and also threatened him with dire consequences. He would further submit that no one sustained any injury during the incident. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 No.1, Mannargudi, Thiruvarur District, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
04/06/2020

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,
NO.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.

5 THE ASSISTANT SESSIONS JUDGE,
THIRUVARUR

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.8135/2020

Date :04/06/2020

RVR 22/06/2020