

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.8362 of 2020

Devaraj

Petitioner

vs.

The Inspector of Police,
Valangaiman Police Station,
Tiruvarur.
(Crime No.883 of 2020).

Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant Anticipatory Bail to the petitioner in the event of his arrest by the respondent police in Crime. No.883 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.J.Saravanan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.883 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with two others in an inebriated state developed wordy quarrel with the de facto complainant and it is alleged that they assaulted him.

3.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and he has nothing to do with the alleged offence.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there are totally three accused persons in this case and the petitioner is ranked as A3. The learned counsel further submitted that A1 and A2 were arrested and later released on bail. The learned counsel further submitted that the injured has been discharged from the hospital and there are no previous cases against the petitioner.

5.Taking into consideration the facts and circumstances, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Valangaiman, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10.06.2020

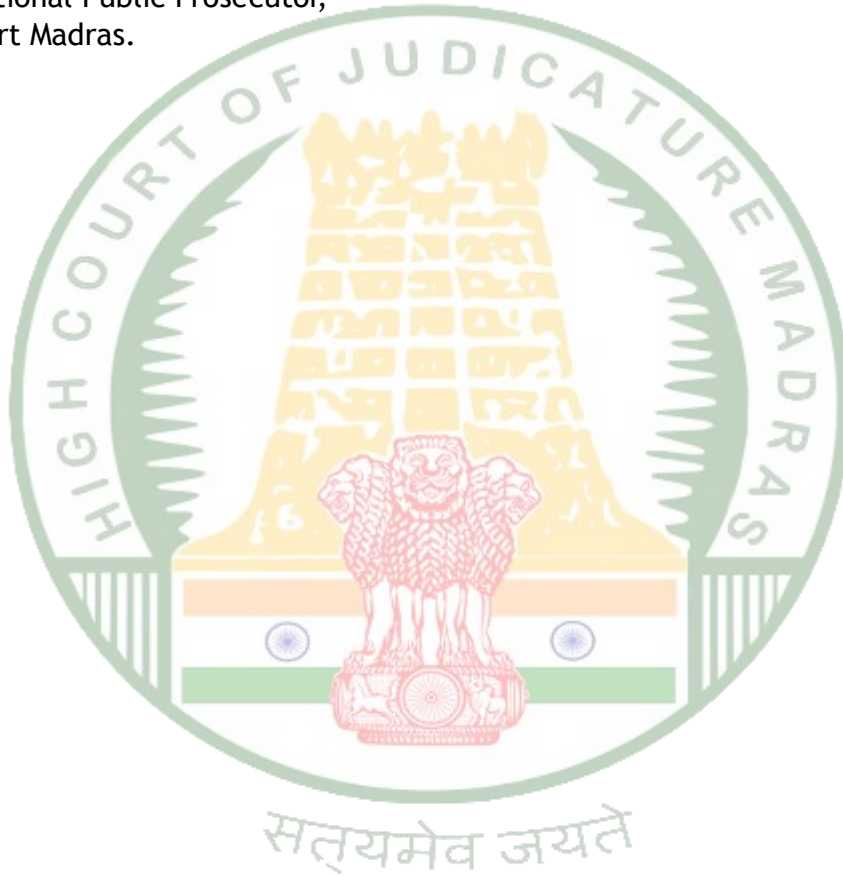
Speaking Order/Non-Speaking Order

Index : Yes/No

Internet : Yes/No

To

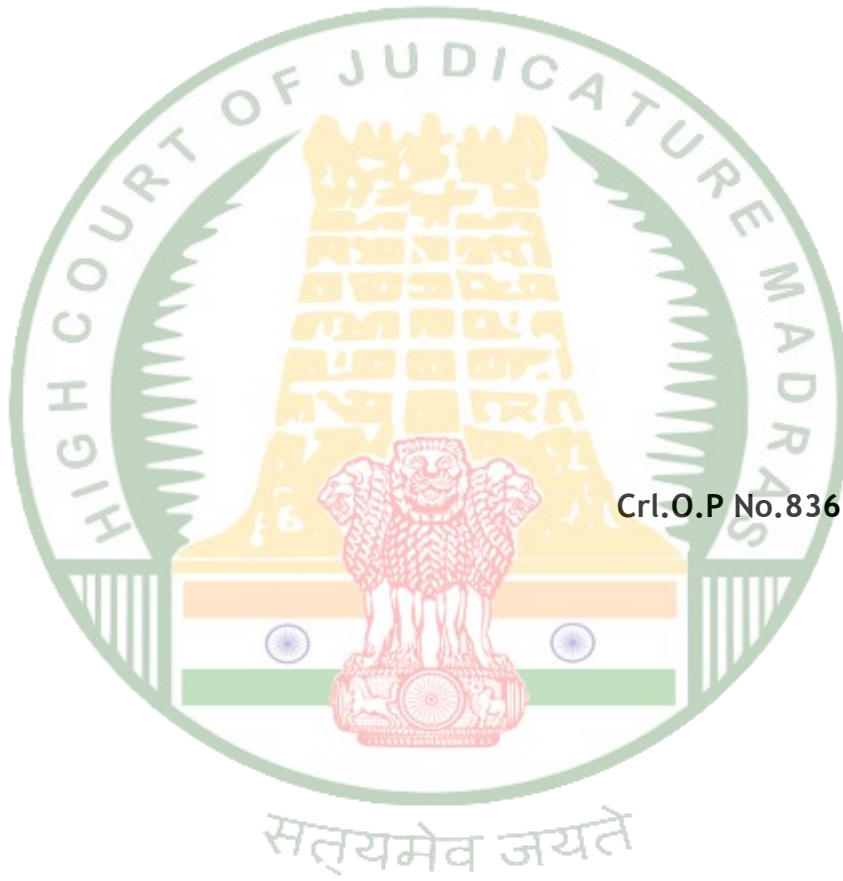
1. The District Munsif cum Judicial Magistrate, Valangaiman.
2. The Inspector of Police,
Valangaiman Police Station,
Tiruvarur.
3. The Additional Public Prosecutor,
High Court Madras.



WEB COPY

N. ANAND VENKATESH, J.

SSR



Crl.O.P No.8362 of 2020

WEB COPY**10.06.2020**