

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.8379 of 2020

Nagappan

... Petitioner

Vs.

State represented by
Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.759 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.759 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the counter party are known to each other and originally, all of them belong to same political party. It is further alleged that some of the persons joined in a different political party and there was a difference of opinion among them. On the date of occurrence, the petitioner and the counter party were engaged in a wordy quarrel and totally six persons sustained injuries. The case and counter was registered in Crime Nos.759 and 760 of 2020 based on the complaint given by both the parties.

3.The learned counsel for the petitioner submitted that there was a wordy quarrel and no one sustained injuries during the incident.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there are totally seven accused persons in Crime No.759 of 2020 and A6 was arrested and was later released on bail. The learned counsel further submitted that, in Crime No.759 of 2020, two persons were injured and both of them have been discharged from the hospital. The learned counsel further submitted that, insofar as Crime No.760 of 2020 is concerned, there are totally six accused persons and A3 was arrested and later

released on bail. Insofar as Crime No.760 of 2020 is concerned, four persons were injured and all of them have been discharged from the hospital. The learned counsel submitted that there are no previous cases against the petitioner.

5.Taking into consideration the facts and circumstances of the case, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 on every Monday at 10.30 a.m. for a period of four weeks and thereafter, 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 person thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

1.The Judicial Magistrate No.II,
Mannargudi,
Thiruvarur District

2.The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.

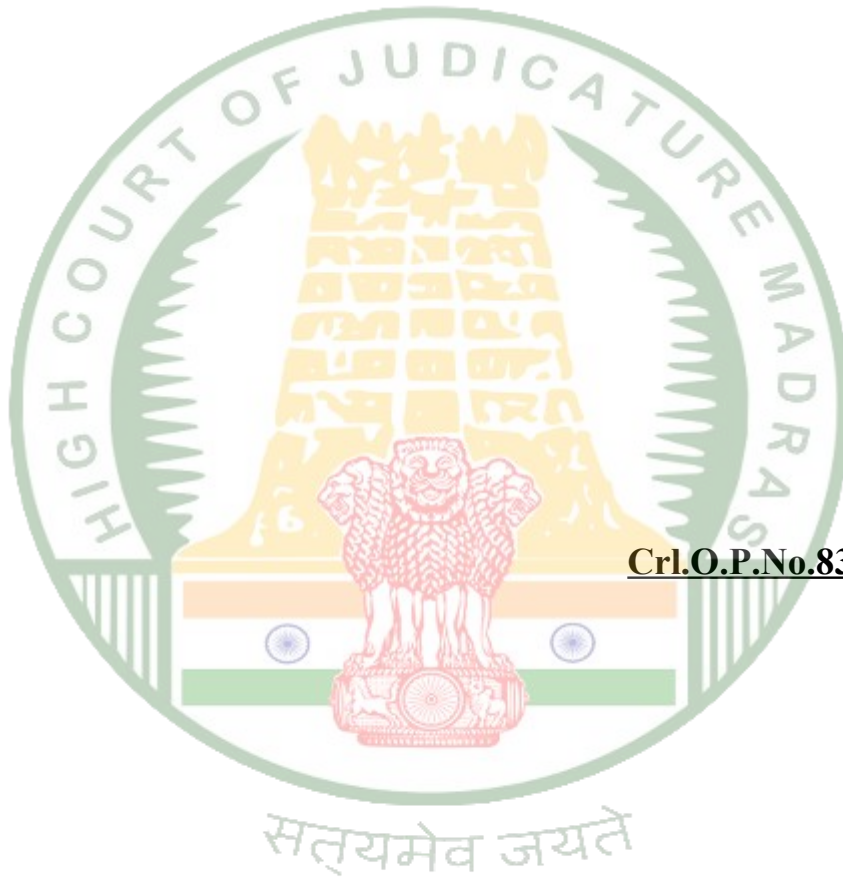
3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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