

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8440 of 2020

Netaji @ Netaji Subash Chandrabose

... Petitioner

Vs.

State represented by

... Respondent

The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
Crime No.348 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.348 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner/A6 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 352 and 506(i) of IPC in Crime No.348 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute regarding the award of a panchayat contract and the accused persons are said to have abused and caused simple injuries to the defacto complainant. The petitioner is ranked as A6.

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

4. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the defacto complainant sustained simple injuries and there are no previous cases pending 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate 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 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 petitioners 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.

-sd/-

18/06/2020

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.II,
MANNARGUDI, THIRUVARUR DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

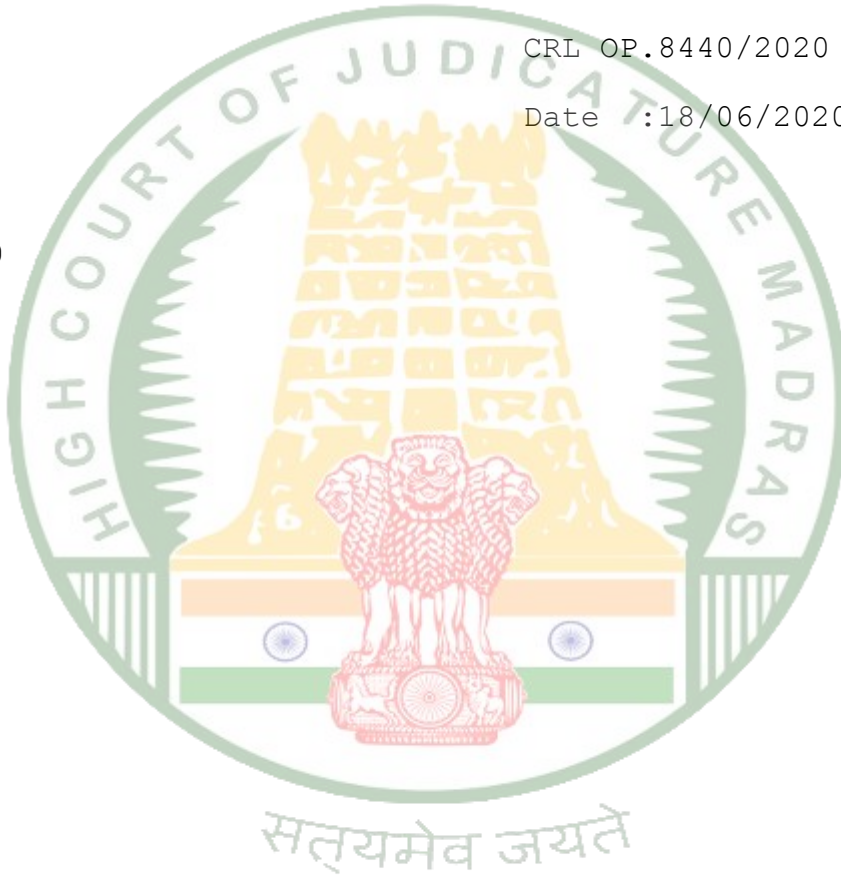
4 THE INSPECTOR OF POLICE,
VADAPATHIMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.8440/2020

Date :18/06/2020

TA-26/08/2020



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