

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :22.06.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.9120 of 2020

Karna

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur.
(Cr. No.1045 of 2020) Respondent

Prayer: 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.1045 of 2020 on the file of the respondent police.

For Petitioner : M/S. V.Johnson Yuvaraj

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324, 506(ii) of IPC and read with Section 4 of the Tamil Nadu Prohibition of Harassment of Womens Act, in Crime No. 1045 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 08.05.2020 at about 7.30 pm, the petitioner along with another accused had assaulted the defacto complainant with a stick on her right hand, chest and caused harassment and criminal intimidation to her. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2 in this case and there was a wordy quarrel aroused between the petitioner and defacto complainant and as a result, assaulted the relative of defacto complainant who questioned the petitioner, therefore sustained injuries and admitted hospital and thereafter the injured victim discharged from the hospital. He would further submit that there is no previous case against the petitioner.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are 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 Principal Sessions Judge, Thiruvapur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 daily at 10.30 a.m. for a period of two 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/06/2020

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 PRINCIPAL SESSIONS JUDGE,
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR

CC to M/S. V.JOHNSON YUVARAJ Advocate on payment of
necessary charges

CRL OP.9120/2020

Date :22/06/2020

MK:30/07/2020

सत्यमेव जयते

WEB COPY