

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.9121 of 2020

Sathish Kumar
S/o Gandhi

...

Petitioner/ Accused-6

Vs.

State Rep. by
The Inspector of Police,
Kannankurichi Police Station,
Salem City.
(Cr. No.472 of 2020)

...

Respondent/Complainant

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.472 of 2020 on the file of the respondent police.

For Petitioner : M/S. Rajeswari Karthikeyan

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

ORDER

The petitioner/A6 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 342, 307 and 506(ii) of IPC in Crime No.472 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel arose in consuming liquor between the accused persons and the defacto complainant, and it is alleged that the accused persons assaulted the defacto complainant and caused injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 there was a counter case also registered against the defacto complainants in Cr.No.473 of 2020. He would further submit that a wordy quarrel in consuming liquor, the accused persons attacked the defacto complainant, caused injuries, admitted in hospital and thereafter, the injured discharged from the hospital. He would further submit that A4 has already released on bail and A2 and A3 are still in custody. There is no previous case against the petitioner. Hence he opposed to grant anticipatory bail to 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 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-IV, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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.

<http://www.judis.nic.in> [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.

22.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/ Non-Speaking
jrs



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G.K.ILANTHIRAIYAN, J

jrs

To

1.The Judicial Magistrate-IV, Salem.

2.The Inspector of Police,
Kannankurichi Police Station,
Salem City.

3. The Public Prosecutor,
Madras High Court, Chennai.



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