

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9206 of 2020

D.Lakshmanan

S/o.Durai

No.4/185D, Ponnai Main Road,

Lalapettai, Nellikuppam,

Mukundarayapuram,

Vellore District.

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

D-5, Sipcot Police Station,

Ranipet,

Vellore District.

Cr. No.405 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.405 of 2020 on the file of the respondent police.

For Petitioner : M/s.J.Prakasam

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 punishable under Sections 294(b), 323 and 353 of IPC in Crime No.405 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have abused the Tasmac shop employee in a filthy language while issuing token. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner abused the Tasmac employee in a filthy language while issuing token and also the employee suffered simple injury. He further submitted that there is no previous case pending against the petitioner.

5. Considering the above facts and circumstances of the case, 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 is made ready, before the District Munsif cum Judicial Magistrate Court, Ranipet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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 blood 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 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.

G.K.ILANTHIRAIYAN, J

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[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

23.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

1. The learned Distirct Munsif cum Judicial Magistrate, Ranipet.
2. The Inspector of Police, D-5, Sipcot Police Station, Ranipet, Vellore District.
3. The Public Prosecutor, Madras High Court, Chennai.

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