

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2020

CORAM:

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

CrI.O.P.No. 9222 of 2020

Jaikumar

... Petitioner/Accused 3

Vs.

State represented by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(in Crime No.562 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner/A3 on bail in the event of arrest pending investigation in Crime No.562 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.K.Ganesh

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), 323 of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act seeks anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the petitioner and the defacto complainant and it is alleged that the petitioner assaulted the defacto complainant and used abusive language against the defacto complaint, for that, the defacto complaint had taken pesticide poison. Hence, the complaint.

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

4. The learned Additional Public Prosecutor would submit that the petitioner assaulted the defacto complainant and used abusive language against the defacto complaint and therefore, defacto complaint had taken pesticide poison and he was admitted in hospital and thereafter the injured was discharged from hospital. However, he vehemently 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 No.I, Krishnagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 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.

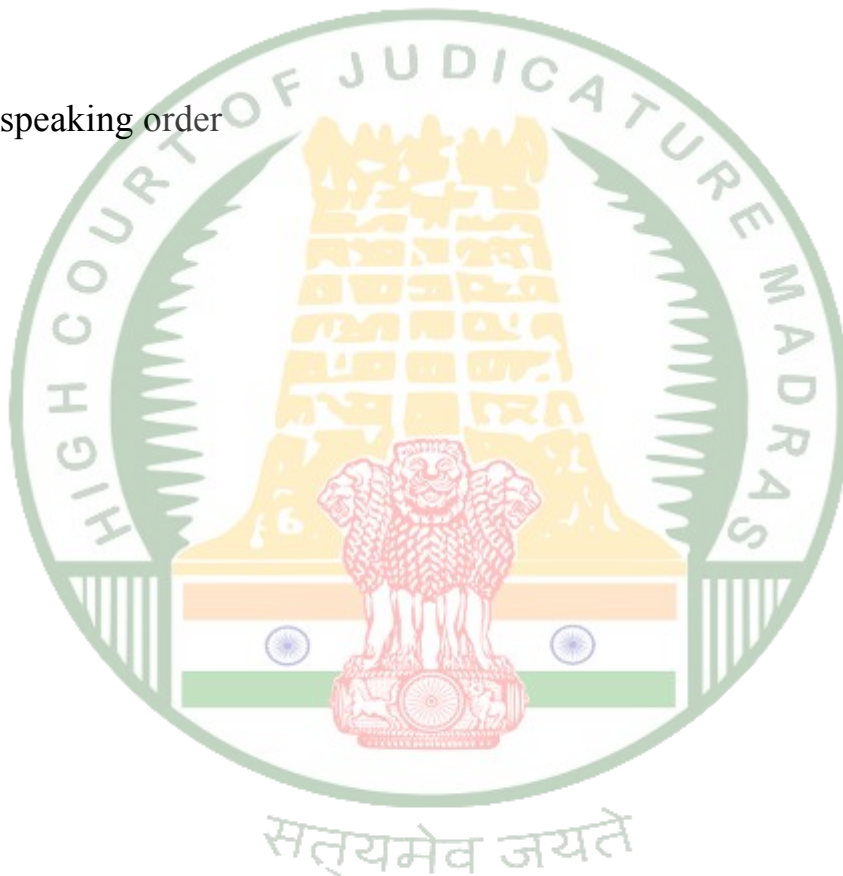
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned

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.

23.03.2020

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Dua



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To

1.The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

2.The Judicial Magistrate No.I,
Krishnagiri.

3.The Public Prosecutor,
High Court, Madras.

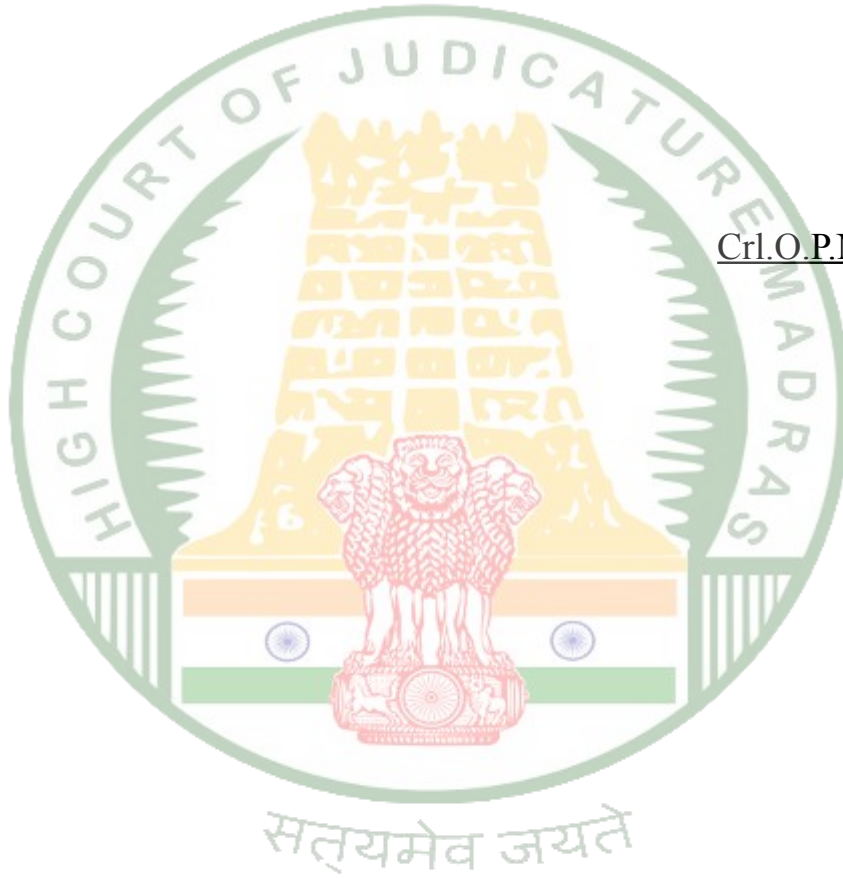


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G.K.ILANTHIRAIYAN. J.

Dua



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