

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

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

Crl.O.P.No. 9262 of 2020

Aravindan,
S/o. Krishnamoorthy,
4/157, South Street,
Painganadu, Thiruvapur,
Mannargudi – 614 020.

... Petitioner/1st Accused

Vs.

State Rep. by
The Inspector of Police,
Thirumakottai Police Station,
Thiruvapur, Mannargudi – 614 001
Tamil Nadu.

Cr. No.338 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 arrest in Crime
No.338 of 2020 dated 18.05.2020 on the file of the respondent police,
pending investigation.

For Petitioner : Mr.Nirmal Aditya

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 and 506 (II) of IPC, 1872, in Crime No.338 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 13.05.2020 around 11 am, the defacto complainant while purchasing fish, the petitioner and his brother along with others enquired the defacto complainant about the discrepancy occurred near the pond and suddenly the petitioner's brother and others have abused and attacked the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is an 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 attacked the defacto complainant and the injured discharged from the hospital. The learned counsel further submitted that there is no previous case against the petitioner. Hence 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-I, Mannargudi, 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.

24.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
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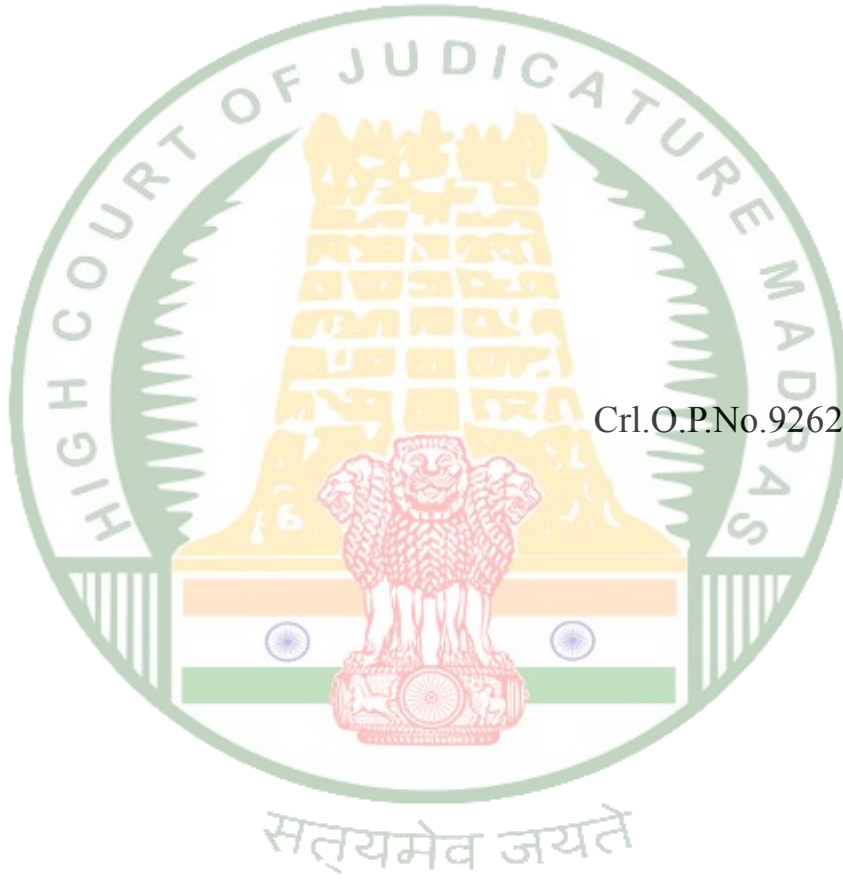
To

1. The Judicial Magistrate - I,
Mannargudi.
2. The Inspector of Police,
Thirumakottai Police Station,
Thiruvarur, Mannargudi – 614 001
Tamil Nadu.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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