

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9409 of 2020

Kumar @ Sivakumar,
S/o, Kunji,
Vilagam Periya Street,
Kattur,
Thiruvarur District.

Petitioner

Vs.

The State rep by
The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.1087 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Subash

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

ORDER

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 294(b), 341, 324, 506(ii) of IPC in Crime No.1087 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the petitioner and the defacto complainant over the fencing. Due to that, quarrel arose between the petitioner and the defacto complainant and it is alleged that the petitioner assaulted the defacto complainant and abused him with filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is the neighbour to the defacto complainant 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. No previous case is pending as against the petitioner. 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, Thiruvarur, 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.

7. Accordingly, this Criminal Original Petition is ordered.

26.06.2020

Internet: Yes/No
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To

1.The Judicial Magistrate,
Thiruvarur.

2.The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN.,J.

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