

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9471 of 2020

Rajesh

...Petitioner

Vs.

State rep. By
The Inspector of Police
Kottur Police Station
Thiruvarur, Mannargudi 614 001
Crime. No.231 of 2020 dt. 07.04.2020

... Respondent

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.231 of 2020 dated 07.04.2020 on the file of the respondent police.

For Petitioner : Mr.S.Nirmal Aditya

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

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324, 506(ii) of IPC, 1872 and Section 4 of TNPHW Act, 2002, in Crime No.231 of 2020 dated 07.04.2020 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband were attacked by the petitioner and his family members during the wordy quarrel and hence the complaint.

3. The learned counsel for the petitioner would submit that the case has been filed by the defacto complainant to wreck the vengeance. 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 during the wordy quarrel between them and caused injury and the defacto complainant has been discharged from the hospital and there is no previous case against the petitioner and he vehemently opposed to grant anticipatory bail to the petitioners.

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 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.

-sd/-

26/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

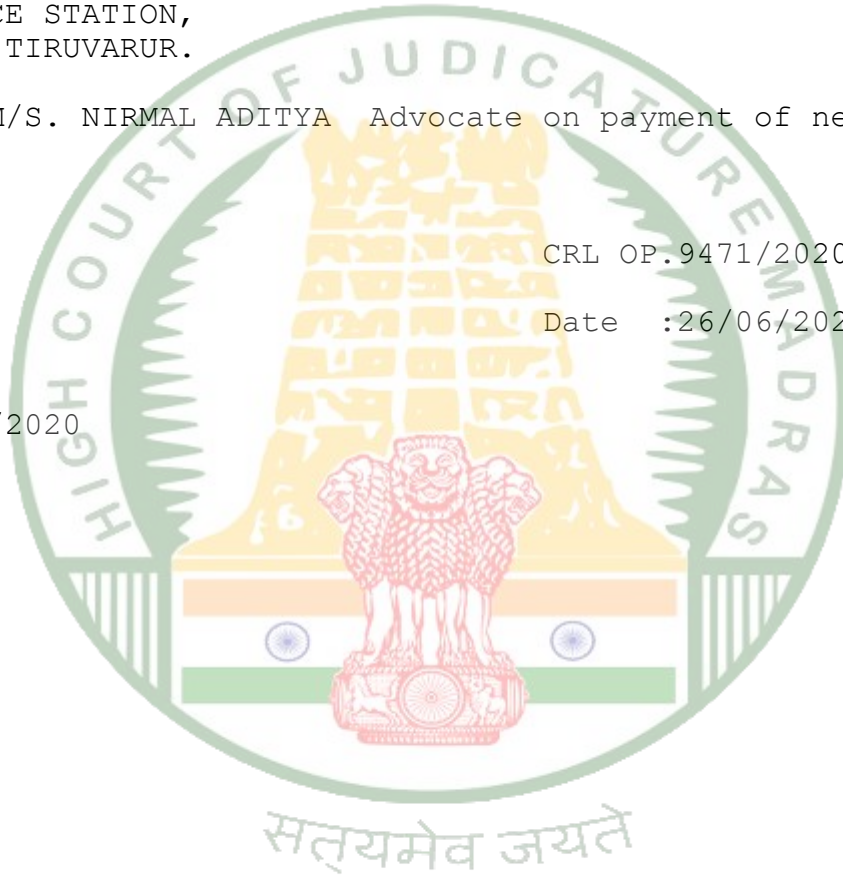
4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
MANNARGUDI, TIRUVARUR.

CC to M/S. NIRMAL ADITYA Advocate on payment of necessary
charges

CRL OP.9471/2020

Date :26/06/2020

MN-RD-12/08/2020



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