

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9537 of 2020

R.Mohanraj

...Petitioner

Vs.

State Rep. by

The Sub Inspector of Police,
Kannankurichi Police Station,
Salem City.

(Crime No.472/2020)

.... 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.472 of 2020 on the file of the respondent police.

For Petitioner : M/s.Rajeswari Karthikeyan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 342, 307 and 506(ii) of IPC, in Crime No.472 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that there was a wordy quarrel between the parties and the petitioner along with the other accused assaulted the defacto complainant and also abused him in a filthy language wantonly. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was falsely implicated in this case and he did not commit any offence as alleged by the prosecution. He would further submit that there was a counter case registered against the defacto complainant and others. Further, the parties in both the cases are relatives and they are now living a cordial life. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there was a wordy quarrel between the parties and the petitioner along with the other accused attacked the defacto complainant and also abused him in a filthy language. He further submitted that the injured sustained head injury and he also discharged from the Hospital and there are no previous cases pending against this petitioner. Hence, the learned Public Prosecutor 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.IV, Salem, 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

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,
NO.IV, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM CITY.

CC to M/S. RAJESWARI KARTHIKEYAN Advocate on payment of
necessary charges

CRL OP.9537/2020

Date :29/06/2020

cs 22/07/2020

WEB COPY