

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9626 of 2020

P.Vivek

... Petitioner/2nd Accused

Vs.

State Rep. by
The Inspector of Police,
Kalappal Police Station,
Kalappal, Thiruvarur District
Cr. No.337 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 his arrest in Crime No.337 of 2020 on the file of the Inspector of Police, Kalappal Police Station, Kalappal, Thiruvarur District.

For Petitioner : Mr.T.Ramkumar

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 offences punishable under Sections 147, 148, 324, 341, 294 (b) and 506 (ii) of IPC and Section 4 of Women Harassment Act, in Crime No.337 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 21.05.2020 at about 7pm, the defacto complainant and her son while walking in Maran Nagari Bazar Street, at the time, the petitioner along with other accused abused with filthy language and attacked them by using wooden log and iron rod, as a result of which they sustained injuries. Hence the complaint.

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. He 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.

-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-I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE,
KALAPPAL POLICE STATION,KALAPPAL,
THIRUVARUR DISTRICT.

CC to M/S. T.RAMKUMAR Advocate on payment of necessary charges

CRL OP.9626/2020

Date :29/06/2020

GKS (CS) :03/08/2020