

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9648 of 2020

Kamalhasan,
S/o. Rajamanickam,
2/84/II, Pettai Theru East,
Kodavasal Thaluka, Sellur,
Thiruvarur-613 705

. ... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur.
Cr.No.979/2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest by the respondent police in Crime No.979/2020 on the file of the respondent police Kodavasal Police Station considering the facts and circumstances of the case.

For Petitioner : Mr.D.Prabu

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 294 (b), 324 and 506 (ii) of IPC, in Crime No.979 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 09.05.2020, the petitioner / A1 along with other accused A2 and A3 abused the de-facto complainant with filthy language. During that time, A3 hit the de-facto complainant with iron rod, A2 hit the de-facto complainant with Aruval and the petitioner also hit the de-facto complainant with stones. When the de-facto complainant shouted in pain, the de-facto complainant's wife and his friend came to his help and took him to the hospital. It is alleged that the petitioner abused the de-facto complainant with unparliamentary words and attacked him with other accused, hence, this complaint.

3. The learned counsel for the petitioner would submit that the

petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner is a physically challenged person, affected by polio. In spite of his disability, the petitioner is running a petty shop for his livelihood. He further submitted that the petitioner requested the de-facto complainant to speak politely, but the de-facto complainant hit him and pushed down. Hence, he lodged a complaint against the de-facto complainant, which was registered in Cr.No.980 of 2020 on the file of the respondent police. 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 de-facto complainant and now, he was 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 facts 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 Principal Sessions Court, Thiruvavur, 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 four 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 PRINCIPAL SESSIONS COURT
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR,

CC to D.PRABU Advocate on payment of necessary charges

CRL OP.9648/2020

Date :29/06/2020

rd 28/07/2020

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