

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9650 of 2020

Prabhu,
S/o. Amirthalingam,
No.3/8, Sothiriyam Sirkali Taluk,
Agaraelathur, Nagapattinam,
Nagapattinam District.

... Petitioner

Vs.

State by,
The Inspector of Police,
Anaikarachatram Police Station,
Nagapattinam District.
Cr.No.682/2020

... 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
by the respondent police in the case pending investigation in Crime
No.682/2020 on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

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.682 of 2020, seeks anticipatory
bail.

2. The case of the prosecution is that on 20.06.2020 at about
5.00 p.m., the de-facto complainant was standing outside her house.
At that time, her daughter-in-law came there and asked her to give
bureau key. As she refused to give the key, the brother of the
daughter-in-law i.e., the petitioner herein, assaulted the de-facto
complainant with knife and caused injury. 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 assaulted the de-facto complainant with knife and

now, 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 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 Judicial Magistrate Court, Sirkali, 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 JUDICIAL MAGISTRATE,
SIRKALI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT,

CC to R.THAMARAI SELVAN Advocate on payment of necessary charges

CRL OP.9650/2020

Date :29/06/2020

rd 28/07/2020

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