

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9692 of 2020

H.Hariharan @ Hari  
S/o, Hemachandran,  
No.6, Mariamman Koil Street,  
Krishnagiri - 635 001.

... Petitioner/A4

Vs.

The State rep by  
The Inspector of Police,  
Gurubarapalli Police Station,  
Krishnagiri District.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C.,  
to enlarge the petitioner on bail in the event of arrest in Crime  
No.684 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Paul Einstein

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

\* \* \* \* \*

O R D E R

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 of Indian Penal Code 1860 along with section 4 of the Prohibition of Women Harassment Act, in Crime No.684 of 2020 , seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant and it is alleged that the petitioner and other accused persons abused and assaulted the defacto complainant with wooden log and thereby she sustained grievous 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. Further, he would submit that the co-accused has already been granted anticipatory bail by the order of this Court dated 24.06.2020 in CrI.O.P.NO.8875 of 2020. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused persons attacked the defacto complainant. He would also submit that the victim originally admitted in Government Hospital. Thereafter, she shifted to Kaveripakkam Hospital. Therefore, at the relevant point of time, the injured discharged from the Hospital. Now she was admitted in Bangalore hospital and from the Bangalore hospital also the victim seems to be discharged. However, he 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 No.II, Krishnagiri 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, a fresh FIR can be registered under Section 229A IPC.

7. Accordingly, this Criminal Original Petition is ordered.

-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.II, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 STATE REP. BY INSPECTOR OF P  
OLICE, GURUBARAPALLI POLICE STATION,  
KRISHNAGIRI DISTRICT.

CC to M/S. G.PAUL EINSTEIN Advocate on payment of necessary charges

CRL OP.9692/2020

Date: 29/06/2020

rd 28/07/2020

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