

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 9716 of 2020

Senthil @ Senthilkumar

... Petitioner

Vs.

The State rep by  
Inspector of Police,  
Kodavasal Police Station,  
Thiruvarur District.  
(Crime No.979/2020)

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

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

2. The case of the prosecution is that on 08.05.2020, when the  
the co-accused/A1 was causing commotion, the defacto complainant had  
enquired with him, who then used filthy language against the defacto  
complainant. A2 has intervened and mediated between them. Thereafter,  
on 09.05.2020, A1 to A3 have called the defacto complainant with  
filthy language. At that time, A2 and A3 have hit the defacto  
complainant with iron rod and aruval and pushed him down, thereby,  
the defacto complainant suffered with injuries, and he was taken to  
the hospital. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the  
defacto complainant was in the habit of seeking for products on  
credit from the 1<sup>st</sup> accused petty shop. Under such circumstances, the  
1<sup>st</sup> accused had refused to give products on credit basis to the  
defacto complainant. On the next day, the defacto complainant has  
approached the first accused and abused first accused with filthy  
language for not giving products. Even though the 1<sup>st</sup> accused has

requested him to speak politely, the defacto complainant has hit the accused and pushed him down. On seeing this, the relatives of 1<sup>st</sup> accused had intervened and mediated and took him to the hospital. The 1<sup>st</sup> accused has also registered F.I.R. against the defacto complainant in Crime No.980/2020 on the file of respondent police, Therefore, the petitioner has nothing to do with the scene of occurrence. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the petitioner and the defacto complainant. The injured was discharged from the hospital. There is no previous case against the petitioner and as such, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Principal Sessions Judge, Thiruvarur, 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 appear 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 JUDGE,  
THIRUVARUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CC to M/S.D.PRABU Advocate on payment of necessary charges

CRL OP.9716/2020

Date :29/06/2020

cs 24/07/2020

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