

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9718 of 2020

Balachandar

... Petitioner

Vs.

The State rep by
Inspector of Police,
Koothanallur Police Station,
Thiruvavarur District.
(Crime No.248/2020)

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

For Petitioner : Mr.M.P. Yuvaraj

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),
323, 324, 506 (ii) of IPC in Crime No.248 of 2020, seeks anticipatory
bail.

2. The case of the prosecution is that on 04.04.2020, at about
06.30 p.m., A1 to A4 abused the defacto complainant in filthy
language. A3 attacked him by using wooden log. A4 has stabbed him
with knife. On seeing the villagers, they flew away from the scene of
occurrence. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the
petitioner has been falsely implicated in the present case by the
defacto complainant with ulterior motive only to create a bad
antecedent against the petitioner. 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 Judicial Magistrate No.2, 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 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 JUDICIAL MAGISTRATE,
NO.2, MANNARGUDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

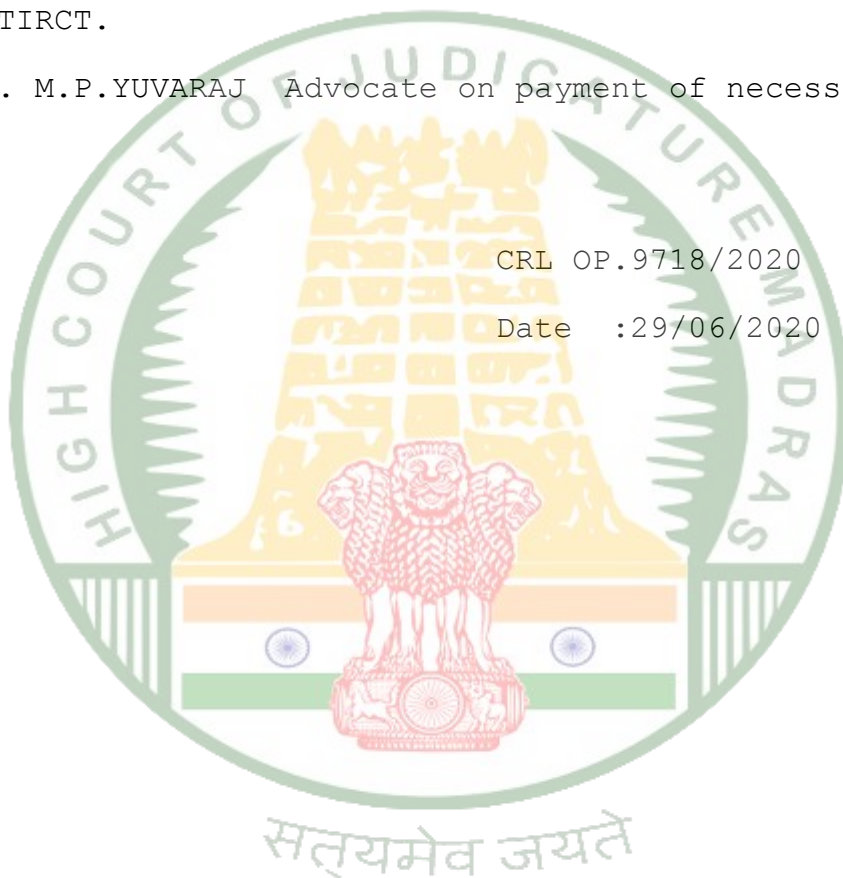
3 THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. M.P.YUVARAJ Advocate on payment of necessary charges

CRL OP.9718/2020

Date :29/06/2020

cs 24/07/2020



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