

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10257 of 2020

Sujaikumar

... Petitioner

Vs.

State Represented by :-

The Inspector of Police,
Melapatti Police Station,
Vellore District.

Cr. No.244 of 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 Crime No.244 of 2020, on the file of the Inspector of Police, Melapatti Police Station, Vellore District, Pending investigation.

For Petitioner : Mr.G.Vinodh kumar

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

O R D E R

(The case has been heard through video confernce)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 353 of IPC in Crime No.244 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that on 07.06.2020, the defacto complainant who is a Thasildhar at Pernampet, had gone for inspection. At that time, the petitioner shouted at her as "HAI" in a louder voice in front of general public. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned (*) **THE JUDICIAL MAGISTRATE, GUDIYATHAM**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/07/2020

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 21/07/2020 MADE IN
CRL.M.P.No.4487/2020**

TO

**(*)1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM**

2 THE JUDICIAL MAGISTRATE,
NO.II, THIRUPATHUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MELAPATTI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. G.VINODH KUMAR Advocate on payment of necessary
charges

CRL OP.10257/2020

Date :08/07/2020

RVR 28/08/2020
RVR 09/09/2020