

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.10642 of 2020

R.Packiyaraj

... Petitioner

Vs.

The Inspector of Police,
Kottur Police Station,
Tiruvarur District,
Crime No.35 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 arrest in
Crime No. 35 of 2020 on the file of the respondent police.

For Petitioner : M/s.N.Palanivel
T.Madhumitha

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences publishable under Sections 294(b),
324, and 506(ii) IPC and section 4 of Tamil Nadu Prohibition Woman
Harassment Act in Crime No.35 of 2020, on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the
defacto complainant are husband and wife and due to domestic quarrel,
the petitioner assaulted the defacto complainant and her parents and
thereby the defacto complainant sustained injuries. Hence, the
complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner has not committed any offence as alleged by the
prosecution and a false case has been foisted against him. Hence,
he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the
petitioner is the husband of the defacto complainant. During a
domestic quarrel, the petitioner has assaulted the defacto
complainant and her parents due to which, the defacto complainant
sustained head injury. He also submitted that the injured has been
discharged from the hospital. However, he opposed for grant of
anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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. With the above directions, this Criminal Original Petition is ordered.

-sd/-

16/07/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KOTTUR POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. N.PALANIVEL Advocate on payment of necessary charges

CRL OP.10642/2020

Date :16/07/2020

RVR 04/09/2020



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