

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10744 of 2020

1. Sachin Augustin ... Petitioners
2. Jasten Thomas
3. Mithun Kumar

Vs.

State rep by Respondent
The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam, Coimbatore,
Crime No.952 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.952 of 2020 on the file of the respondent police.

For Petitioners : Mr.I.Periaswamy

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 324 and 506(ii) IPC in Crime No.952 of 2020, on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along
with other accused went to a pet shop where the defacto complainant
is working and picked up wordy quarrel regarding sale of pet which
was returned by the first petitioner and also assaulted him thereby
the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that
infact the defacto complainant had started the quarrel and abused
the petitioners in filthy language in public and that the first
petitioner has given a counter complaint against the defacto
complainant on the same day. Hence, he prays for grant of
anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners and the defacto complainant had a quarrel with regard to sale of pet which was returned by the first petitioner. He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners. 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 petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Mettupalayam, Coimbatore, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners 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 petitioners 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/-
17/07/2020

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,
METTUPALAYAM, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
METTUPALAYAM, COIMBATORE.

CC to M/S. I. PERIASWAMY Advocate on payment of necessary charges

CRL OP.10744/2020

सत्यमेव जयते Date : 17/07/2020

TA-25/08/2020

WEB COPY