

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.11106 of 2020

Vijayan

... Petitioner

Vs.

State rep by

The Inspector of Police,
Thiruthuraipoondi Police station,
Tiruvarur District,
Crime No.1947 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.1947 of 2020 on the file of the respondent police.

For Petitioner : M/s. M.Vijayaragavan
D.Muthu

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 342, 324 IPC @ 342, 324 and 506(ii) IPC, in Crime No.1947 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner assaulted the defacto complainant with beer bottle and threatened with dire consequences, thereby causing injuries to him. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and that 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 due to previous enmity, the petitioner waylaid the defacto complainant and assaulted him with beer bottle at shoulder. He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioner. 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 and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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, Thiruthuraipoondi, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two 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:

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
29/07/2020

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,
THIRUTHURAIPOONDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
THIRUTHURAIPOONDI POLICE STATION
TIRUVARUR DISTRICT.

CC to M/S M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.11106/2020

Date : 29/07/2020

cs 24/08/2020

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