

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11410 of 2020

Jeeva @ Jeevanantham

... Petitioner

Vs.

The State rep. by Inspector of Police,
Perugavazhathan Police Station,
Thiruvavur District.

(Crime No.405 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to
enlarge the petitioner on bail pending investigation in Crime No.405
of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramaniam

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate(Crl.Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences under Sections 448, 352
and 506(i) of IPC, in Crime No.405 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
is that the petitioner trespassed into the house of the defacto
complainant and threatened her with dire consequences. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that the
petitioner has two cases pending in the same police station and he
has been released on bail. In order to put fetters on the petitioner
and harass him a false case has been registered. He would submit
that even as per the allegations, the petitioner has not caused any
injury. He would further submit that the petitioner has nothing to do
with the alleged offence and a false case has been foisted against
this petitioner. Hence, he prays to grant anticipatory bail to the
petitioner.

4. The learned Government Advocate would submit that the
petitioner trespassed into the house of the defacto complainant and
threatened her with dire consequences. Hence, he opposed for grant of
bail.

<https://hcservices.courts.gov.in/hcservices/> Considering the above facts and circumstances of the case,

this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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.II, 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 said Magistrate, on further conditions 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] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent police every day morning at 10.30 a.m., and evening at 5.30 p.m., until further orders.

[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]; and;

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

-sd/-

31/07/2020

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.II, MANNARGUDI, THIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

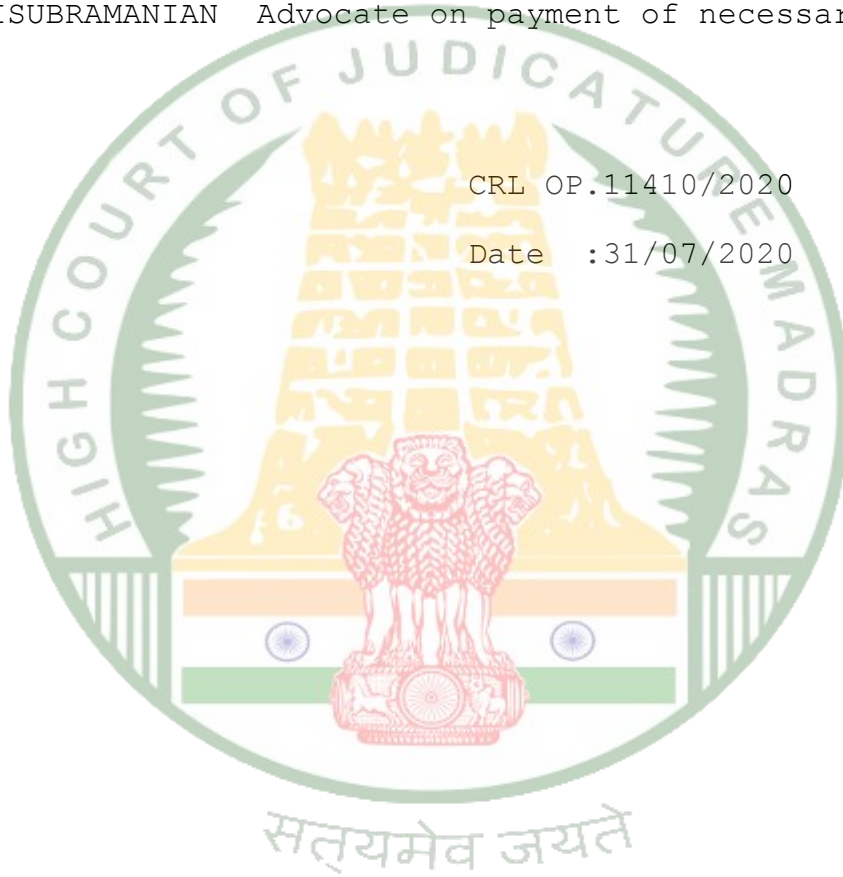
3 THE INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.11410/2020

Date :31/07/2020

RD 28/08/2020



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