

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.11399 of 2020

Gurumoorthi @ Guru Prasad

... Petitioner/Accused

-Vs-

The State rep. by
Inspector of Police,
Hosur Police Station,
Krishnagiri District
(Crime No. 738 of 2020)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No. 738 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

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 publishable under Sections 294 (b), 324, 506 (ii) of I.P.C in Cr.No.738 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26-06-2020, the petitioner and his father had abused the defacto complainant and his brother and also assaulted them due, to the previous enmity with regard to the property dispute existed between them. 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 them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that due to land dispute, there was a wordy quarrel between the petitioner and the defacto complainant and the petitioner assaulted the defacto complainant with knife at neck. 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, 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,II, Hosur, 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/-
30/07/2020

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, HOSUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
HOSUR POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.11399/2020

Date :30/07/2020

cs 25/08/2020

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