

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11393 of 2020

Ponbaskar

... Petitioner

Vs.

State rep. by its
The Inspector of Police
Manali New Town Police Station,
Chennai
Cr.No.35 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.35 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294(b), 323, 324, 427, 447 & 506(ii) IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 35 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are living in the same area. Due to previous enmity, the petitioner abused and assaulted the defacto complainant's wife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a quarrel on account of election, the petitioner assaulted the defacto complainant's wife with stick. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Judicial Magistrate -II, Ponneri, 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 police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. 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, PONNERI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANALI NEW TOWN POLICE STATION,
CHENNAI.

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

CRL OP.11393/2020

Date :30/07/2020

cs 28/08/2020

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