

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11376 of 2020

Narasimman

... Petitioner

Vs.

The State Rep. By its
The Station House Officer,
R.K.Pet Police Station,
R.K.Pet Taluk, Thiruvallur District,
Tamilnadu.
(Crime No.1955 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 his arrest
in Crime No.1955 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.R.Thiruneelakandan

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
294B, 323 of IPC and Section 4 of the Women Harassment Act, in Crime
No.1955 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that during a quarrel, the
petitioner and other accused persons abused and attacked the defacto
complainant and his daughter with wooden log and iron rod, thereby
they sustained grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any offence
as alleged by the prosecution. He would also submit that a counter
case was also filed by the petitioner in this regard in Crime No.1954
of 2020. Therefore, he prays to grant anticipatory bail to the
petitioner.

4. The learned Additional Public Prosecutor would submit that
the petitioner is a road contractor, the defacto complainant asked
the petitioner to do the work in a proper manner, due to which there
was a wordy quarrel between the petitioner and the de-facto
complainant, as a result of which, the petitioner and other accused
persons abused and attacked the de-facto complainant and caused

simple injuries. He would further submit that the victim is not in hospital and also submit that there is no previous case pending against the petitioner.

5. Considering the above fact and circumstances of the case, and also the fact that the injured was not in 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 arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Pallipet, 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/08/2020

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,
PALLIPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
R.K.PET POLICE STATION, R.K.PET TALUK,
THIRUVALLUR DISTRICT, TAMIL NADU.

CC to P.R.THIRUNEELAKANDAN Advocate on payment of necessary
charges

CRL OP.11376/2020

Date :05/08/2020

RVR 18/09/2020



WEB COPY