

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM

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

Cr1.O.P.No.11657 of 2020

Kannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirumakootai Police Station,
Thiruvarur, Mannargudi-614 001. TN
Crime No.534 of 2020. Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of arrest pending investigation in Crime No.534 of 2020 on the file of the respondent police.

For Petitioner : Mr.Nirmal Aditya

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b) 324, and 506(II) of IPC in crime no.534 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 borrowed a sum of Rs.2,00,000/- before 20 years and have repaid only Rs.30,000/-. While so on 25.07.2020 the petitioner assaulted the defacto complainant with iron rod and and abused him with filthy language. Hence the case.

1. The learned Counsel for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case and that the petitioner had repaid the entire amount borrowed by him. He would further submit that a false complainant has been given by the defacto complainant and he is pressuring the petitioner to settle the dues and the injured discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

2.

4. The learned Additional Public Prosecutor would submit that the petitioner borrowed a sum of Rs.2,00,000/- from the defacto complainant and when the defacto complainant asked the return of the amount the petitioner assaulted the defacto complainant and abused him with filthy language. Hence he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions of the learned Counsel and the injured 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, 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 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. 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-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 NO.II,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUMAKKOTAI POLICE STATION,
TIRUVARUR, MANNARGUDI-614001.

CC to M/S.NIRMAL ADITYA Advocate on payment of necessary charges

CRL OP.11657/2020

Date :05/08/2020

TA-21/08/2020

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