

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11856 of 2020

S.Palanisamy @ Boopathi

... Petitioner

Vs.

The State Represented by,

Inspector of Police,

Cheyur Police Station,

Tirupur District.

(Crime No.1095 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.1095 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Shanmugam

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 apprehends arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 323 and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.1095 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel between the petitioner and the defacto complainant, the petitioner abused and attacked the defacto complainant with hands and also threatened him with dire consequences and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been filed against him. Hence, he prays for grant of

anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that this is a second anticipatory bail petition. The earlier petition was dismissed on the ground that the victim was not discharged from the hospital. He further submitted that that the injured has been discharged from the hospital and there are no previous cases pending as 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 injured 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 his arrest or on his appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate, Avinashi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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.

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

-sd/-
06/08/2020

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,
AVINASHI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHEYUR POLICE STATION,
TIRUPPUR DISTRICT

+1 CC to M/S.G.SHANMUGAM Advocate on payment of necessary
charges SR.NO.5900

CRL OP.11856/2020

Date :06/08/2020

GKS:20/08/2020

WEB COPY