

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11950 of 2020

Jansirani

... Petitioner/10th Accused

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No. 595 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of his arrest in Crime No. 595 of 2020, on the file of the Inspector of Police, Kitchipalayam Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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 alleged offences punishable under Sections 147, 148, 294(b), 323, 307, 506(2) of IPC, in Crime No.595 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that on 09.07.2020 at about 13.30 hours while the defacto complainant along with his brother and friend was sitting in front of the house of one Dheenish, at that time, all the accused persons were came there and the brother of the defacto complainant has demanded the first accused to return the loan amount of Rs.6,00,000/- therefore, the accused persons have picked up wordy quarrel with the defacto complainant and his brother and they have abused and attacked on them with knife, iron pipe, stones and hands. Therefore, the defacto complainant and his brother has sustained injures. Hence the complaint.

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

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there was a funereal wordy quarrel took place between the parties due to money dispute. He would submit that the injured persons have been discharged from the hospital and that there is no previous pending against the petitioner. However, he prays to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured persons have 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Salem, on condition that the petitioner shall execute a separate 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 every day 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/-

07/08/2020

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, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.11950/2020

Date :07/08/2020

RVR 17/09/2020