

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12611 of 2020

Nithish Kannan

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
(Crime No.1141/2020)

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of arrest in Crime No.1141 of 2020 on the file of the Inspector of Police, Mayiladuthurai Police Station, Nagapattinam District.

For Petitioner : Mr.R.Senthil Kumar

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 294(b), 324, 307 and 506(ii) of IPC, in Crime No. 1141 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that due to wordy quarrel between the family members, the petitioner has assaulted the defacto complainant with iron rod and thereby, the defacto complainant has sustained injuries. 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. He would further submit that co-accused has been enlarged on bail in CrI.O.P.No.12805/2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the injured has been discharged from the hospital. He further submitted that there is no previous case pending 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 victim 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 days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mayiladuthurai, 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/-

28/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

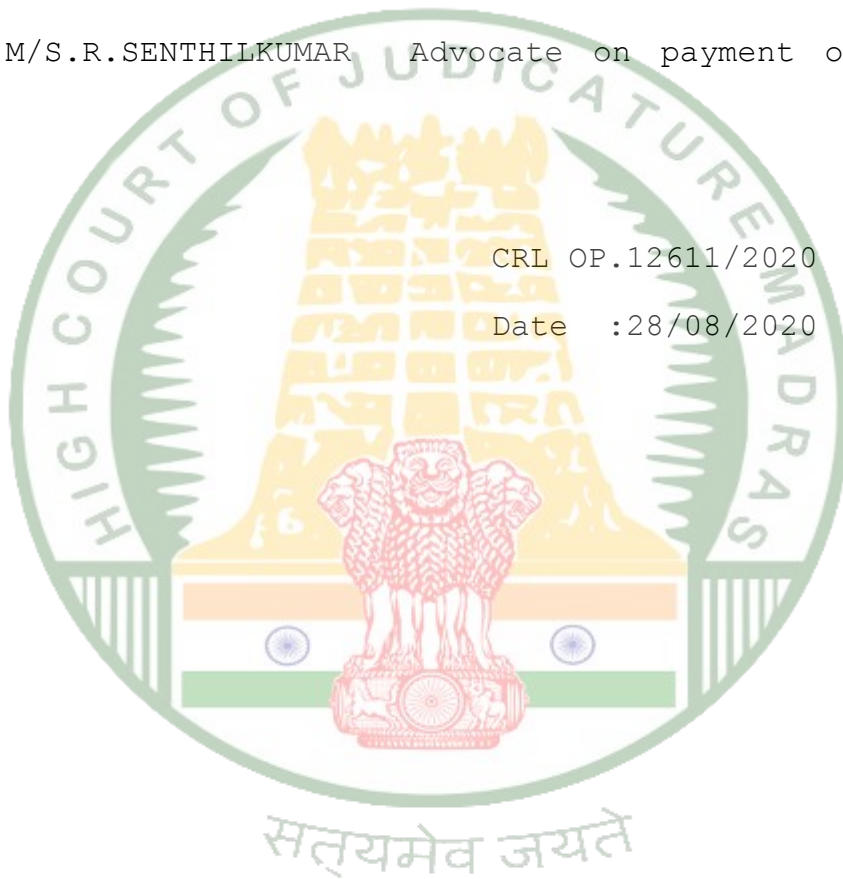
3 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.12611/2020

Date :28/08/2020

RVR 21/09/2020



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