

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

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

CrI.O.P.No.12801 of 2020

Mukesh Ananth

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
(Crime No.263 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.263 of 2019, pending investigation on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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 and 506(ii) of IPC in Crime No.263 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.09.2019, the de facto complainant and his friends hunted the chameleon and the petitioner abused them with filthy languages for hunting of chameleon. On the next day, the de facto complainant and his friends went for taking bath, at that time, the de facto complainant questioned him about the earlier occurrence. Immediately, the petitioner abused him with filthy language and stabbed him with knife on his stomach and threatened him with dire consequences.

3. The learned Counsel for the petitioner would submit that the de facto complainant created the problem due to previous enmity. There was a quarrel between the petitioner and the de facto complainant, due to which, a false complaint has been given against the petitioner. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had picked up a quarrel with the de facto complainant, stabbed him with knife on his stomach and also threatened him with dire consequences. He would submit that the injured has been discharged from the hospital and there is no previous cases pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case 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 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, Thiruvarur District, 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 for a period of two(2) weeks and thereafter, every Monday at 10.30.am 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.

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

-sd/-

24/08/2020

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,
THIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.12801/2020

Date :24/08/2020

RD 07/09/2020

सत्यमेव जयते

WEB COPY