

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.13012 of 2020

D.Jacob Herald

... Petitioner

Vs.

State represented by

The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City,
Tiruppur.

(Crime No.1174/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime no.1174/2020 pending on the file of the respondent police.

For Petitioner : Mr. S.P.Yuvaraj

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 & 506(i) IPC in Cr. No.1174 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with his friend came in two wheeler and said to have hit the *de facto* complainant's car and there was a wordy quarrel between the petitioner and the *de facto* complainant and it is alleged that the petitioner had abused the *de facto* complainant in filthy language.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he had not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner hit the *de facto* complainant's car and quarrelled with him and the injured discharged from the hospital. He further submitted that there are no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there are no previous cases against the petitioners this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered 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 II, Tiruppur, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
26/08/2020

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,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR CITY, TIRUPPUR.

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

CRL OP.13012/2020

Date :26/08/2020

MK:11/09/2020

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