

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

CrI.O.P.No.13530 of 2020

Santhosh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
(Crime No.660 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.660 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.R.Thangavel

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, 294(b), 323, 324, 506(i) of IPC, in Crime No.660 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Rajasekaran is that there was a dispute between him and his wife. While so, when he had gone to see his son in his wife's house, he was abused by the relatives of his wife and they have also assaulted him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the relative of the wife of the defacto complainant and there was a dispute between the defacto complainant and his wife. He would further submit that the petitioner has been falsely implicated in this case. Hence, he seeks to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is the relative of the wife and he has assaulted the defacto complainant along with other accused. There was a dispute between the defacto complainant and his wife.

5. Taking into consideration the facts of the case and submissions made by the learned counsels, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.III, Vellore, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

02/09/2020

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

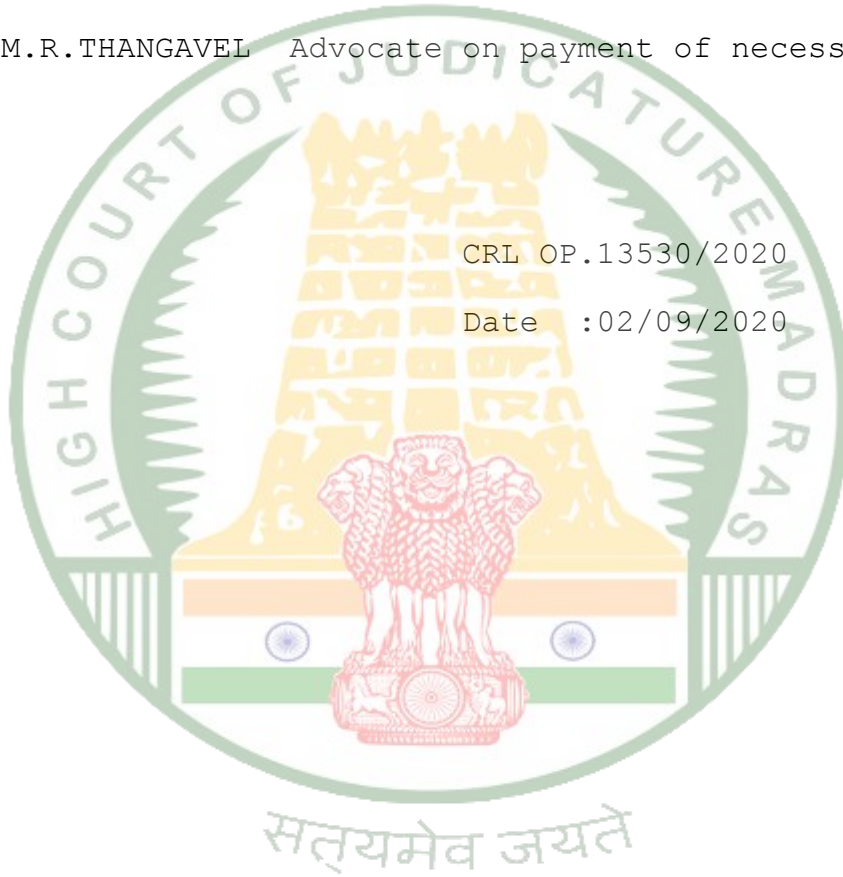
1 THE JUDICIAL MAGISTRATE,
NO.III, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB-INSPECTOR OF POLICE
VEPPANKUPPAM POLICE STATION,
VELLORE DISTRICT.

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

RD 11/09/2020



CRL OP.13530/2020

Date :02/09/2020

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