

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13834 of 2020

1. Jhonskhan @ Johnshan
2. Arun
3. Nizam

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.1343 of 2020 on the file of the respondent police.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 323, 324, 427, 506(i) read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.1343 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel between the petitioners and the defacto complainant, the petitioners abused and attacked the defacto complainant with stone and wooden log and also threatened him with dire consequences and thereby the defacto complainant sustained injuries in his hand. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that there is a case in counter to Cr.No.1341/2020 and that a false case has been foisted against them. He would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they are no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between them due to which the petitioners abused and attacked the defacto complainant and criminally intimidated him with dire consequences and thereby the defacto complainant caused simple injury in his hand and the injured has been discharged from the hospital. He further submitted that there is no previous case pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Pollachi, on condition that each of the petitioners 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

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

-sd/-
07/09/2020

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.I, POLLACHI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
POLLACHI TOWN POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.13834/2020

cs 21/09/2020

Date: 07/09/2020

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