

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14024 of 2020

Balasubramanian

... Petitioner/Accused No.2

Vs.

State rep. by,

The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.

Crime No.1007 of 2020

... Respondent/Complainant

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.1007 of 2020, on the file of the Inspector of Police, Mannargudi Taluk Police Station, Thiruvarur District.

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 341, 294(b), 324 and 506(i) of IPC in Crime No.1007 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a property dispute between the defacto complainant and the first accused in this case, the petitioner along with the first accused abused the defacto complainant in filthy language and attacked him with hands and fan belt and threatened with dire consequences and caused 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. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner abused the de-facto complainant in filthy language and attacked him, thereby causing injuries at face and leg. He would further submit that the injured has been discharged from the hospital and that there is no previous case against the petitioner. However, he opposes 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 that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District, 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 daily 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/-
09/09/2020

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,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.14024/2020

Date :09/09/2020

MK:18/09/2020