

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14097 of 2020

S.PREM KUMAR

... Petitioner

Vs.

The State of Tamilnadu
Rep. By its Inspector of Police
Thudialur Police Station,
Coimbatore District
(Crime No.263 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.263 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.D.Stalin

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.263 of 2020** on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to quarrel in TASMACH shop, the petitioner along with other accused have assaulted the defacto complainant who was working in the TASMACH with wooden logs and abused him in filthy language.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's name does not take place in the F.I.R. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to quarrel in the TASMACH shop, the petitioner along with other accused had assaulted the defacto complainant who was working in the TASMACH shop. He would further submit that the injured has been discharged and there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the victim has been discharged from the hospital and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, **within a period of fifteen days from the date of commencement of the Court's normal functioning, before the Judicial Magistrate Court No.I, Coimbatore**, 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:

[b] 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 every Monday at 10.30 a.m. until further orders.

[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/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]**.

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

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

-sd/-
10/09/2020

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 COURT NO.I
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIALUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. G.D.STALIN Advocate on payment of necessary
charges SR.NO.6201

CRL OP.14097/2020

सत्यमेव जयते Date :10/09/2020

TA-15/09/2020

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