

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2020

CORAM :

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

CrI.O.P.No.14038 of 2020

Suriya

.. Petitioner

/versus/

State represented by
The Inspector of Police,
Paradarami Police Station
Vellore District.
(Crime No.460 of 2020)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.460 of 2020 on the file of Respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.M.Mohamed Riyaz
Addl 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 294 (b), 342, 324 and 307 IPC in Crime No.460 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the friend of the petitioner one Poovarasan from a different community had love affair with the sister-in-law of the defacto complainant and the same was opposed by the defacto complainant. Therefore, the accused/Poovarasan along with two persons caught hold of the defacto complainant, assaulted him with a knife and stabbed on the stomach. 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. He further submitted that even as per the allegation in the FIR, A1/Poovarasan had enmity with the defacto complainant and that the two other persons caught hold of the defacto complainant and A1 stabbed the defacto complainant. A1 and A2 have already arrested and released on bail and the petitioner is arrayed as A3.

4.The learned Additional Public Prosecutor would submit that A1 stabbed the defacto complainant in stomach and another person caught hold of the defacto complainant. He would submit that the injured has been discharged from the hospital and there is no previous case as against the petitioner. He further submitted that A1 and A2 have been arrested and released on bail.

5.Taking into consideration the facts and circumstances of the case and also the fact that injured has been discharged from the hospital and there is no previous case as against the petitioner, 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, Gudiyatham, 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:

[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., 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.

8. 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,
GUDIYATHAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PARADARAMI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.14038/2020

MK:24/09/2020

Date :10/09/2020
MK:30/09/2020

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