

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14188 of 2020

Sahul @ Sagul Hameed

...Petitioner

Vs.

State

...Respondent

The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
Crime No.314 of 2019

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.314 of 2019 on Inspector of Police, Thiruvarur Town Police Station, Thiruvarur District.

For Petitioner : Mr.Muthamizh Selvakumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 353, 336, 506(ii) and 307 of IPC in Crime No.314 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Bharathehru, who was the sub Inspector of police is that on 04.09.2019 during Vinayaga Chathurthi Procession, the petitioner along with other accused abused the defacto complainant with filthy language and assaulted the police. 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 and he has been mistakenly identified. Despite the occurrence has taken place during the year 2019, the petitioner has not been arrested so far. However, FIR is pending and apprehending the arrest of the petitioner, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that during the Vinayaga Chathurthi Procession, the accused/petitioner along with other accused had abused with filthy language and attacked the defacto complainant and caused injuries.

5. Considering the above facts and circumstances of the case, and also the fact that the injury was simple in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruvarur, on condition that each 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 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 petitioners 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/09/2020

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,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.14188/2020

Date :11/09/2020

TA-30/09/2020

WEB COPY