

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14266 of 2020

Vinoth

... Petitioners

Vs.

State Represented by :-

The Inspector of Police,
KRP Dam Police Station,
Krishnagiri District.
Cr. No.454 of 2018

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.454 of 2018 on the file of the Respondent police.

For Petitioners : Mr.M.Gowthaman

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 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.454 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner and the defacto complainant are neighbours. There was a wordy quarrel between the petitioner along with other five accused persons and the defato complainant. Due to which, the petitioner along with other accused persons, abused the defacto complainant in filthy language and attacked him with brick and knife. Therefore, the defacto complainant sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that there is a case in counter in Crime No.455 of 2018 and that a false case has been foisted against the petitioner and he is an innocent and at the time of the occurrence during 2018,

this petitioner was a minor and co-accused are released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioner. 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 the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the **learned Judicial Magistrate-II, Krishnagiri**, 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:

[b] 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.

[c] **the petitioner shall report before the respondent police daily at 10.30a.m., for a period of one week and thereafter, as and when required for interrogation.**

[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.

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

-sd/-
14/09/2020

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-II,
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KRP DAM POLICE STATION,
KRISHNAGIRI DISTRICT

+1 CC to M/S. M.GOUTHAMAN Advocate on payment of necessary charges SR.NO.6382

CRL OP.14266/2020

Date :14/09/2020

GKS:23/09/2020

WEB COPY