

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14434 of 2020

Gowsmydeen

... Petitioner

Vs.

State Represented by :-
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Cr. No.544 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.544 of 2019 on the file of the Respondent police.

For Petitioners : Mr.S.Sugendran

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 294(b), 352, 323, 506(ii) of IPC read with Section 4 of women Harassment Act in Crime No.544 of 2019, 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. On 06.10.2019, a wordy quarrel arose between the petitioner and another accused and the defacto complainant. Due to which, the petitioner attacked the defacto complainant. Therefore, he sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against the petitioner and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the petitioner and the defacto complainant. Due to which, the petitioner attacked him and the injuries sustained by the defacto complainant are simple in nature. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has sustained only simple injuries and the victim has been discharged from the hospital and also there is no previous cases pending against the petitioner, 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, Dharapuram, 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., 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.

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

-sd/-

16/09/2020

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,
DHARAPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT

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

CRL OP.14434/2020

Date :16/09/2020

RVR 29/09/2020



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