

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14955 of 2020

Gandhi

... Petitioner

Vs.

The State rep. by,

The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

Crime No.1275 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner/accused bail in the event of his arrest in connection with Crime No.1275 of 2020 on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

सत्यमेव जयते

(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), 427, 323 and 506(i) of IPC, in Crime No.1275 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute, there was a wordy quarrel between the petitioner and the defacto complainant. In view of that, the petitioner abused the defacto complainant in filthy language and attacked him on his neck and caused simple injury and further threatened with dire consequences. 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. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had abused the de-facto complainant in filthy language and attacked him, thereby causing simple injury at neck. He would further submit that the injured has been discharged from the hospital and that there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif-cum-Judicial Magistrate Court, Needamangalam, Thiruvavarur District, on condition that the petitioner shall execute a separate 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 everyday 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 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.

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

-sd/-
24/09/2020

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
NEEDAMANGALAM, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NEEDAMAGALAM POLICE STATION, सत्यमेव जयते
THIRUVARUR DISTRICT.

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

CRL OP.14955/2020

Date :24/09/2020

MK:30/09/2020