

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15352 of 2020

Prabakaran

.. Petitioner

Vs.

State represented by,
The Sub-Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
Crime No.1586 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to grant an anticipatory bail to the petitioner in the event of arrest or on his appearance before any Court in connection with the case in Crime No.1586 of 2020 pending investigation on the file of the respondent police herein.

For Petitioner : Mr.S.Paneer Selvam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **294 (b), 332, 353 IPC and section 3 of Tamil Nadu Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property)Act, 2008 in Crime No.1586 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jeerajuthin, Pharmacist in the Government Hospital is that the petitioner in an inebriated condition took the free condoms available in the Primary Health Centre and demanded the defacto complainant to demonstrate how to use it and quarreled with the defacto complainant and assaulted him and other hospital staff and also caused damage to the property. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and since he questioned the
and other hospital workers in the hospital, there was a quarrel and a

false complaint has been given to him. He would further submit that without prejudice to his contention the petitioner is prepared to pay an amount of Rs.5,000/- to the "Chief Minister's Public Relief Fund". Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner in an inebriated condition took the free condom available in the primary health centre and demanded the defacto complainant to explain him as how to use it. Due to which, a wordy quarrel arose between them. In this regard, the petitioner assaulted the defacto complainant and other staff in the hospital. He would further submit that there is no previous case as against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the the petitioner is directed to make a **payment/donation of a sum of Rs.5,000/- (Rupees Five Thousand only) to the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F** and on such payment and production of proof of receipt, he is ordered be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Cheyyar**, 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 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 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.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.

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

-sd/-
29/09/2020

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB - INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE JOINT SECRETARY &
TREASURER, CHIEF MINISTERS PUBLIC RELIEF
FUND, FINANCE (CMPRF) DEPARTMENT, GOVERNMENT
OF TAMIL NADU, SECRETARIAT, CHENNAI 600 009,
TAMIL NADU, INDIA, E-MAIL: JSCMPRF@TN.GOV.IN OR BY ELECTRONIC
CLEARING SYSTEM (ECS) TO INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI 600 009, S.B.ACCOUNT NO.11720 10000 00070, IFS CODE
IOBA0001172, CMPRF PAN: AAAGC0038F

+1 CC to M/S. S.PANEER SELVAM Advocate on payment of
necessary charges SR.NO.6572

CRL OP.15352/2020

Date :29/09/2020

TA-07/10/2020



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