

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15689 of 2020

M.Gowtham Babu
S/o. Mahalingam

... Petitioner

Vs.

The State represented by
The Inspector of police,
Coonoor Town Police Station,
Nilgris District.
Crime No.773 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in Crime
No.773 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar
For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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), 353, 355, 506 (i) of IPC in Crime No.773 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Vinoth Kumar, who is a Grade-I Inspector of Police is that while he was on duty, the petitioner abused him and damaged his motor cycle and also threatened him. 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. He would further submit that the defacto complainant unnecessarily used abusive words against him and when it was questioned by the petitioner, a false case has been given. Hence, he prays for grant of

anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had abused and prevented the de facto complainant from discharging his duty. He would further submit that there is no previous case as against the petitioner. However, he opposed the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 from the date on which the copy of this order is made ready, 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 Judicial Magistrate, Mettupalayam, 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 every day 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 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 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.

06.10.2020

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Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

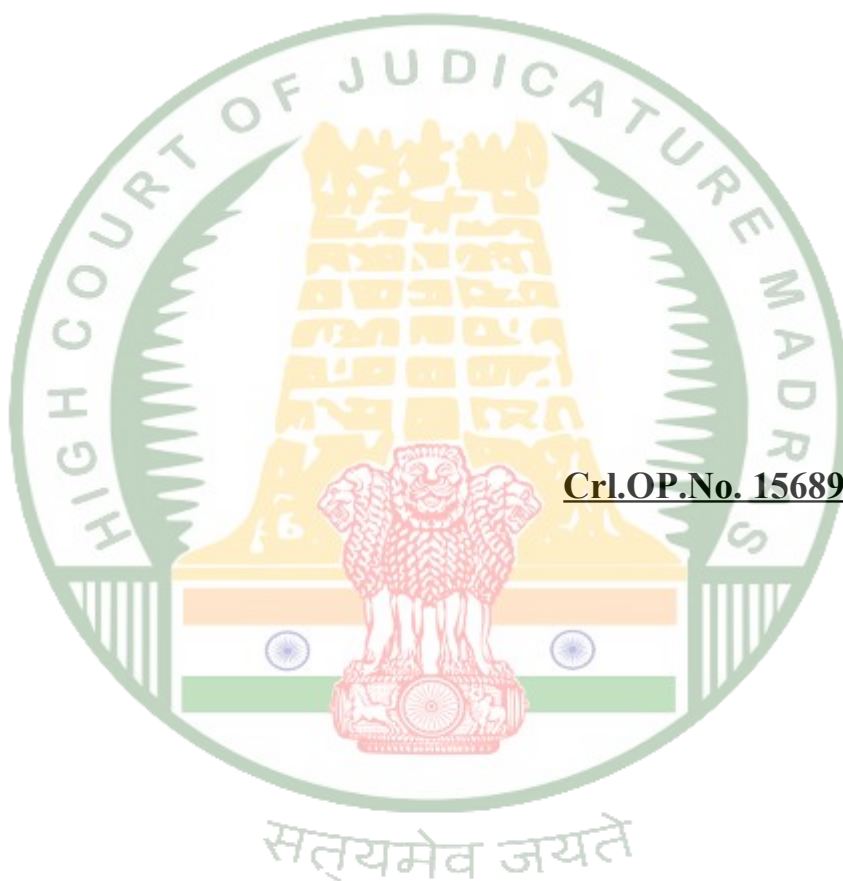
To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of police,
Coonoor Town Police Station,
Nilgris District.
3. The Public Prosecutor,
Madras High Court, Chennai.

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A.D.JAGADISH CHANDIRA, J

dh



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