

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15773 of 2020

1.R.M. Marimuthu
2. M. Stalin

... Petitioners

Vs.

The State represented by
The Inspector of police,
Kariyapattinam Police Station,
Nagapattinam
Crime No.715 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.715 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Senthil

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

O R D E R

(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), 323 and 506 (ii) of IPC in Crime No.715 of 2020, on the file of
the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant
kanadasan is that the petitioner attacked the defacto complainant
with bamboo sticks and also abused him with filthy language. Hence,
the complaint.

3. The learned Counsel for the petitioners would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution. Due to previous enmity the defacto
complainant has lodged a false complaint against the petitioner.
Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the
petitioner has assaulted the defacto complainant with bamboo stick in
a public place and abused him with filthy language. Hence, 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 made by learned counsels appearing on either side, this Court is inclined to grant anticipatory bail to the petitioners 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 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 Judicial Magistrate Court, Vedharanyam, Nagapattinam District 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., 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 is entitled to take appropriate action against the petitioners 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.

-sd/-

06/10/2020

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,
VEDHARANYAM, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

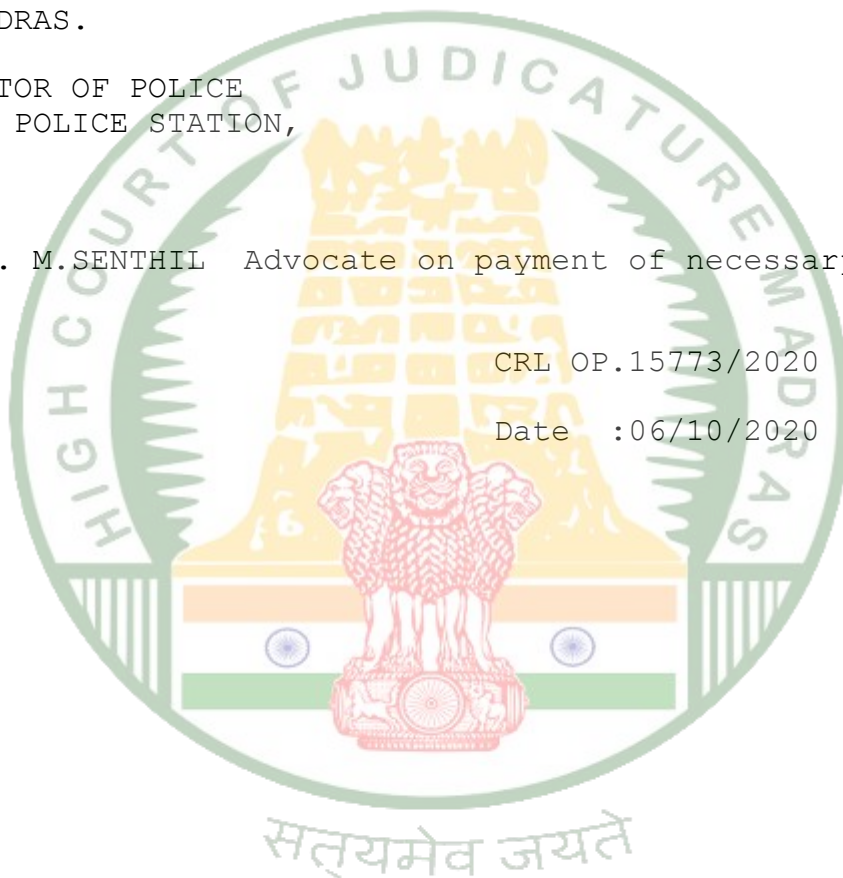
4 THE INSPECTOR OF POLICE
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM

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

CRL OP.15773/2020

Date :06/10/2020

RVR 14/10/2020



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