

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15779 of 2020

Rangarama,
S/o.Onnaiya

... Petitioner

Vs.

The State represented by
The Inspector of Police
Kattur Police Station
Coimbatore City,
(Crime No.1284 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 1284 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Vinoth

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

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ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 75(1)(c) of TNCP Act and Section 324 and 506(ii) of IPC in Crime No.1284 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Velmurugan is that the petitioner waylaid the defacto complainant and abused him with filthy language and also assaulted him. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that 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 submitted that petitioner waylaid the defacto complainant and abused him with filthy language and also assaulted him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Judicial Magistrate, No-II, Coimbatore, 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 daily 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

06.10.2020

smn

Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate No.II, Coimbatore.

2.The Inspector of Police,Kattur Police Station,Coimbatore City.

3.The Public Prosecutor

High Court of Madras, Chennai 600 104.

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A.D.JAGADISH CHANDIRA, J

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