

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16351 of 2020

Siva

.. Petitioner

Vs.

State by

The Inspector of Police
Uthangarai Police Station,
Krishnagiri District.

Cr.No.1413 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.1413 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(ii) of IPC r/w 4 of Tamilnadu Prohibition of Harassment of Women Act 2002, in Crime No.1413 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to family dispute, there was a wordy quarrel, thereby, the petitioner had assaulted the defacto complainant on the head and face.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to a family dispute. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to family dispute, the petitioner has assaulted the defacto complainant, due to which, the defacto complainant sustained injury on the face and head. He would further submit that the injured has been discharged.

5. Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels and considering the fact that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate, Uthangarai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 stands ordered.

-sd/-
15/10/2020

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.16351/2020

Date :15/10/2020

MK:28/10/2020

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