

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 16487 of 2020

R.Kaliyappan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station, Tiruppur.

(Crime No.2146 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No. 2146 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohammed 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 offence punishable under Sections 354 (A), 294(b) & 506(ii) of IPC, in Crime No. 2416 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Leelavathi is that the petitioner and the defacto complainant are neighbours and that due to money dispute, the petitioner has abused and intimidated her over phone and later abused her in person also. 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 due to previous enmity. He would further submit that there is no other case pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4 Mr.C.Arunkumar, learned counsel for the intervener would vehemently opposed by stating that the petitioner has abused and intimidated the defacto complainant over phone and later abused her in person also.

5 The learned Additional Public Prosecutor appearing for the respondent would submit that due to money dispute, the petitioner has abused and intimidated the defacto complainant over phone and later abused her in person also. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

6 Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsel and also considering the fact that there is no other case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7 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 order copy is made ready, before the learned Judicial Magistrate, Palladam, on condition that 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 Magistrate concerned, 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 stay at Tiruppur and report before the Tiruppur Town Police Station 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 and the petitioner shall not enter into the jurisdictional limits of the respondent police station.

[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/11/2020

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

5 THE OFFICER INCHARGE,
TIRUPPUR TOWN POLICE STATION,
TIRUPPUR.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary charges SR NO.7320

CRL OP.16487/2020

Date :05/11/2020