

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16649 of 2020

Sivanesan

... Petitioner

Vs.

The State Represented by
Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
(Crime No.1276 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.1276 of 2020, on the file of the Inspector of Police, Sirkazhi Police Station, Nagapattinam District.

For Petitioner : Mr.M.Vinoth

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 publishable under Section 294(b), 324 and 506(ii) of IPC in altered into 294(b), 324, 506 (ii) and 307 of IPC in Crime.No.1276 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Manikandan is that due to wordy quarrel regarding the price of tender coconuts, the petitioner assaulted the defacto complainant with aruval. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the defacto complainant and his friend came to the petitioner's shop and purchased tender coconuts,, the defacto complainant did not pay the full amount, there was a wordy quarrel among them. The defacto complainant had lodged a false complaint against the petitioner as if the petitioner assaulted them with aruval. He would further submit that the earlier application was dismissed on the ground that the petitioner was admitted in the hospital. He would further submit that the victim has been discharged from the hospital and there is no previous case pending against the petitioner. However, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that during wordy quarrel between the petitioner and the defacto complainant, the petitioner assaulted the defacto complainant, as a result of which, he sustained injury in the head and he was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the Judicial Magistrate Court, Sirkazhi 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks 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 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].

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

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

-sd/-

28/10/2020

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,
SIRKAZHI

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.7130

CRL OP.16649/2020

Date :28/10/2020

RVR 05/11/2020

WEB COPY