

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.16686 of 2020

Shanmugam

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Somangalam Police Station,
Kancheepuram.
(Crime No.1163/2020)

... 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 in Crime No.1163 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. Vijay Curudass

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

ORDER

सत्यमेव जयते

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 323, 506(ii), 354 of IPC and Sec.4 of Women Harassment Act, in Crime No.1163 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel between the petitioner and the defacto complainant, the petitioner abused and attacked the defacto complainant with hands and also threatened him with dire consequences and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner 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 the order is made ready**, before the **learned Judicial Magistrate, Sriperumbadur**, on condition that the petitioners shall execute a separate 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:

[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/ 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 thereafter abscond, 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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHEEPURAM.

+1 CC to M/S.VIJAY GURUDASS Advocate on payment of necessary charges SR.NO.7139

CRL OP.16686/2020

Date :28/10/2020

TA-04/11/2020

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