

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16874 of 2020

S.Ramesh

... Petitioner/accused
rank not known

Vs.

State rep. by its
The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
Crime No.not known of 2020

... Respondent/
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail, in the event of his arrest in Crime No. Not known of 2020, pending on the file of the Respondent.

For Petitioner : M/s.W.Camyles Gandhi

For Respondent : Mr.Charles Premkumar
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 punishable under Sections 341, 294(b), 323, 324 & 506(ii) of IPC in Crime No.not known on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that since there was a civil dispute between the petitioner and the defacto complainant viz., Ravanan, a wordy quarrel arose between them and the petitioner abused the defacto complainant with filthy language and also attacked him with dire consequence. Hence, based on the complaint given by Ravanan, the complaint was registered in C.No.133 of 2020 at Office of the District Superintendent of Police , Namakkal District.

3.The learned Counsel for the petitioner would submit that it is a purely civil dispute, wherein criminal colour has been given.

4.Per contra, the learned Additional Public Prosecutor would submit that enquiry in the complaint is pending. The petitioner herein is not co-operating for the enquiry.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned Judicial Magistrate-I, Namakkal, on condition that the petitioner shall execute a 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[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 15 days and thereafter as and when required for interrogation.

[d] the petitioner shall co-operate with the enquiry. If any cognizable offence is made out, the Investigating Officer is at liberty to proceed in accordance with law.

[e] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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 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].

[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 is ordered.

-sd/-
22/10/2020

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,
NO.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT SUPERINTENDENT OF POLICE,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.7043

WEB COPY

CRL OP.16874/2020

Date :22/10/2020

cs 28/10/2020