

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16937 of 2020

Sathish

... Petitioner/accused
(ranking not known)

Vs.

State rep.by
The Inspector of Police,
Valathy Police Station,
Villupuram 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 connection with Crime No. Not known of 2020 on the file of the Respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.Charles Premkumar
Additional Public Prosecutor

ORDER

(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 294 (b) & 506(ii) of IPC in Crime No.not known of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the mother, who is the defacto complainant and son, who is the petitioner herein, the petitioner abused and assaulted the defacto complainant. Hence, a complaint has been lodged by the mother.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petition is under enquiry.

5. Taking note of the facts that the defacto complainant and the petitioner are mother and son and his custodial interrogation is not required in this 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, Gingee, 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 as and when required for interrogation.

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

[e] 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 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].

[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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges

CRL OP.16937/2020

Date :22/10/2020

TA-03/11/2020



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