

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16901 of 2020

Rajan

... Petitioner

Vs.

The State represened by

The Inspector of Police

Denaducombai Police Station,

Nilgiris District.

(Cr. No.465 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the above petitioner on bail pending investigation in Crime No.465 of 2020 on the file of the Respondent police.

For Petitioner : Mr.K.Balasubramaniam

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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 307 IPC, in Crime No. 465 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Chinnan is that the petitioner is the brother of the defacto complainant. Due to property dispute, the petitioner and his son assaulted the defacto complainant with a stick and also dashed against the defacto complainant's car and attempted to murder him. The defacto complainant sustained injuries. 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. He would further submit that the petitioner has also sustained injuries and he was admitted in the

hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had assaulted the defacto complainant with a stick and thereafter, dashed against his car and the victim has been admitted in the hospital, thereafter he was discharged from the hospital. He further submitted that one previous case is pending as against the petitioner in the year 2019. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts of this case and the submissions made by the counsels and the fact that, this Court is inclined to grant anticipatory bail to the petitioner.

a) Accordingly, the petitioner is ordered to be released on bail, in the event of 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, Udhagamandalam, 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:

[b] 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 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/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/-
04/11/2020

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,
UDHAGAMANDALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DENADUCOMBAI POLICE STATION,
NILGIRIS DISTRICT.

+1CC to M/S. K.BALASUBRAMANIAM Advocate on payment of
necessary charges SR NO.7344

CRL OP.16901/2020

Date :04/11/2020

MK:10/11/2020

WEB COPY