

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16948 of 2020

Sathish @ Sathishkumar

... Petitioner/Accused No.2

Vs.

State rep. By

The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
Crime No.2274 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.2274 of 2020 on the file of Inspector of Police, Peralam Police Station, Thiruvarur District on his appearance before the concerned Court.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.Charles Prem Kumar
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), 352 and 506 (i) IPC in Crime No.2274 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to the wordy quarrel in the petrol bunk, the petitioner herein and one Elavazhagan had attacked the staff of the petrol bunk leading a complaint for the offence under Sections 294 (b), 352 and 506 (i) IPC.

3.The learned Additional Public Prosecutor submitted that the prime accused A1 was arrested and released on bail whereas this petitioner who is the second accused is yet to be secured.

4.The learned Counsel for the Petitioner would submit that he is no way connected with the alleged offence and it was the defacto complainant who has abused him and his friend A1

Elavazhagan.

5. Taking into consideration of 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 District Munsif cum Judicial Magistrate, Nannilam, Thiruvavarur District 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 investigation.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, NANNILAM,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

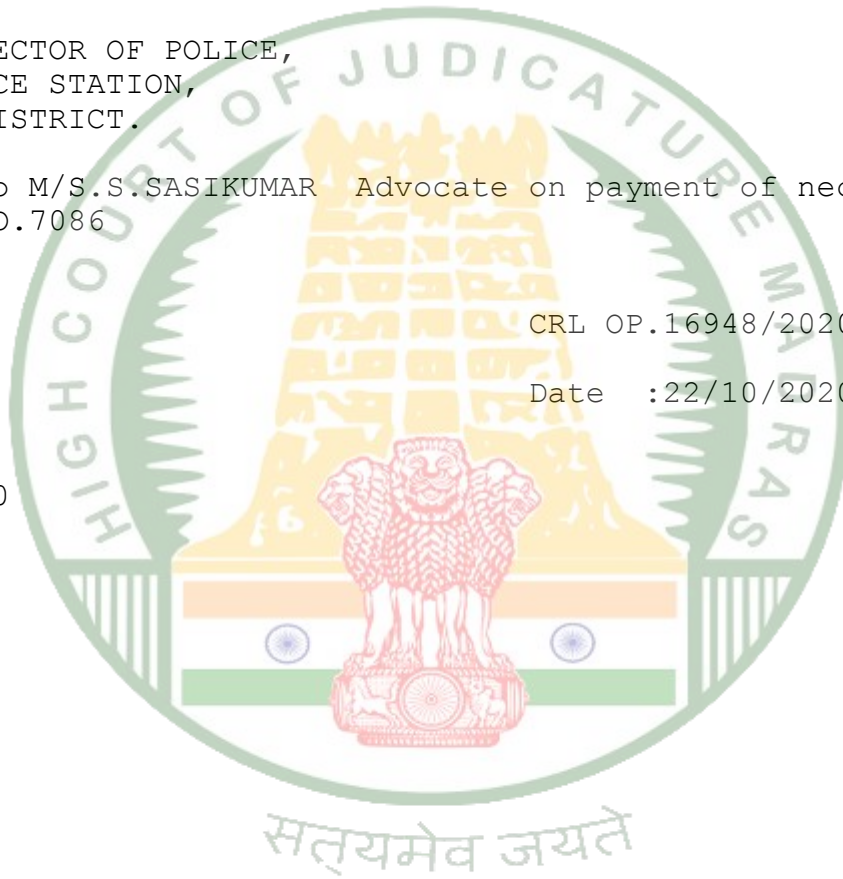
4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.7086

CRL OP.16948/2020

Date :22/10/2020

TA-29/10/2020



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