

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 17121 of 2020

Selvaraj

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

[Crime No.1500 of 2020] ... Respondent/Complainant

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.1500 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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 apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323, 324 and 506(ii) of IPC, in Crime No.1500 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Soundararajan is that due to enmity in respect of civil dispute, on 15.10.2020 at about 5.45 p.m., the petitioner abused and attacked the defacto complainant and four others, with knife and handle of the spade. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been foisted against him due to enmity. Infact, the defacto complainant and his associates are the aggressors who attacked the petitioner and caused injuries initially and thereby, the

petitioner lodged a complaint against the defacto complainant and his associates and the same has been registered in Crime No.1499 of 2020 . Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he would oppose for grant of anticipatory bail.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsels and the fact that there is a case in counter, 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 order copy is made ready, before the learned Judicial Magistrate Court-II, Udumalpet, 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 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., 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/11/2020

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 COURT-II,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S. M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR NO.7222

CRL OP.17121/2020

सत्यमेव जयते Date :02/11/2020

MK:06/11/2020

WEB COPY