

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17191 of 2020

P.Vijiakumar

... Petitioner/Sole Accused

Vs.

The State represented by,  
The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.  
[Crime No. 1601 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No. 1601 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Guruprasad

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), 353 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No. 1601 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution is that the informant is working as a Sub-Inspector of Police in the respondent police station and she is also working as a Child Welfare and Protection Officer in the same police station. While the informant and his subordinates were conducting child marriage awareness program, the petitioner had abused them in filthy language and has also prevented them from discharging their official duties. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that the petitioner has prevented the defacto complainant and her subordinates from discharging their official duties. He would submit that there is one previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and circumstances of the case and considering the submissions of the learned Counsel, 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 made ready, before the learned (\*) **Learned District Munsif Cum Judicial Magistrate, Uthukuli** on condition that the petitioner shall execute a separate 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., for a period of two weeks and thereafter every Monday 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/ 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

03/11/2020

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.

(\*) AMENDED AND TIME GRANTED BY THIS COURT TO COMPLY WITH THE CONDITIONS IMPOSED VIDE ORDER DATED 03/11/2020 IN CRL.OP.NO.17191 OF 2020 IS EXTENDED FOR A PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF AMENDED COPY OF THE ORDER, MADE IN CRL.M.P.No.8705/2020 BY THIS COURT ON 23/12/2020.

TO

(\*)1 District Munsif Cum Judicial Magistrate,  
Uthukuli

2 THE JUDICIAL MAGISTRATE,  
AVINASHI

3 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR(FOR INFORMATION)

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,  
UTHUKULI POLICE STATION,  
TIRUPPUR DISTRICT.

CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges  
Sr.8688

CRL OP.17191/2020

Date :03/11/2020

RVR 09/11/2020

RVR 04/01/2021

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