

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17197 of 2020

Prabhakaran

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
M-4 Redhills Police Station,
Redhills,
Thiruvallur District.
[Crime No. 3916 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. 3916 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Shankar

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 Section 294(b), 323, 324 and 506(II) of IPC, in Crime No. 3916 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Madhanagopal, is that there was a dispute between the petitioners and the defacto complainant in respect of administering the temple. Whiles, on 21.10.2020, the accused had driven the car in rash and negligent manner as if to hit the defacto complainant and his father and hence there was a wordy quarrel between them. Again on 22.10.2020, the petitioners have abused and assaulted the defacto complainant and his father, when they were in temple. Hence, the complaint.

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 due to previous enmity in respect of administering the temple. He would submit that on the complaint given by the petitioner side a counter case was registered in Crime No.3915 of 2020. He would further submit that the arrested accused viz., A1 & A3 have been enlarged on bail and the defacto complainant, who was arrested in counter case has also been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there was a dispute between the two groups with regard to administering the temple and during such time, the petitioner along with other accused have assaulted the defacto complainant with iron pipes and hands, thereby, the defacto complainant sustained injuries. He would further submit that the injured has been discharged from the hospital, arrested and enlarged on bail. Further, he would submit that sensitiveness is still prevailing in the locality and that some condition may be imposed on the petitioner.

5 Heard both the learned counsels and perused the materials placed on record.

6 Taking into consideration of the facts and submissions of the learned counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7 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 No.II, Ponneri, 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 stay at Villupuram and report before the Villupuram Town Police Station 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/ 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/-

05/11/2020

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,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION,
REDHILLS, THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

+1 CC to M/S. S.SHANKAR Advocate on payment of necessary charges
SR.No.7339

CRL OP.17197/2020

Date :05/11/2020