

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17345 of 2020

K.Jayasingh

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
C-1 Kattur Police Station,
Coimbatore District.
[Crime No. 341 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.341 of 2020, on the file of the respondent police.

For Petitioner : Mr.Rabu Manohar

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 147, 148, 324, 307 of IPC, in Crime No. 341 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Mohamediqbal, is that due to previous enmity, the petitioner along with other accused has abused the defacto complainant and his friend in filthy language, assaulted them with iron pipes by proclaiming slogans and thereby, both the victims have sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the arrested accused. He would submit that the petitioner name does not find place in FIR and that since the petitioner belongs to a

would submit that two of the arrested accused have been detained under Act 14, 1982 and the detention order has also been quashed by this Court and that other accused have been enlarged on bail. Further, he would reiterate that the name of the petitioner does not find place in FIR. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused, due to ideological differences, has assaulted the defacto complainant and his friend with iron pipes, due to which, they have sustained injuries. He would further submit that the injured have been discharged from the hospital and that there is one previous case pending against the petitioner, which was registered for the offence under Section 302 of IPC, pending trial in Crime No.221/2016. Hence, he opposed to grant anticipatory bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would reiterate that the petitioner name does not find place in FIR and that he has been regularly appearing in the other case registered against him for the offence under Section 302 of IPC and he is not absconding in that case. He would submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

6 Taking into consideration of the facts and circumstances of the case, considering the submissions made by the learned counsel, 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 made ready, before the learned Judicial Magistrate No.II, Coimbatore, 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 Chennai and report before the Flower Bazaar Police Station every day at 10.30 a.m., until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police station.

[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/-
09/11/2020

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, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-1 KATTUR POLICE STATION,
COIMBATORE DISTRICT.

5 THE OFFICER INCHARGE
FLOWER BAZZAR POLICE STATION,
CHENNAI.

CC to M/S.RABU MANOHAR Advocate on payment of necessary charges

CRL OP.17345/2020

Date :09/11/2020