

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17829 of 2020

Senthil Kumar

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

Koradachery Police Station,

Tiruvarur District.

Crime No.1276/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No. 1276 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This 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), 324 and 506(ii) of IPC subsequently altered as 294(b), 307, 324 and 506(ii) IPC in Crime No.1276 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.07.2020 at about 9.30 p.m., when the defacto complainant Dinesh was standing outside of his house and chatting with his father-in-law, the petitioner along with his brother Raj Kumar and two others namely Balu and Shanmugam, came in an inebriated state and abused the defacto complainant in filthy language. When the same was questioned, the petitioner and others attacked the defacto complainant with beer bottles and knife. When the defacto complainant raised alarm, the local villagers gathered and on seeing them, the accused fled away from the scene of occurrence.

Immediately, the people around, called 108 Ambulance and defacto

complainant was taken to Government Hospital, Tiruvarur. On the next day i.e., on 23.07.2020, the same was informed to the respondent police and initially the case was registered for offence under Sections 294(b), 324, 506(ii) IPC in Crime No.1276 of 2020 and later, it was altered to offence under Sections 294 (b), 307, 324, 506(ii) IPC as against the petitioner and three others.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. Due to previous motive, a false case has been registered against the petitioner. The respondent police has also registered yet another case in Crime No.1282 of 2020 for the offence under Section 397 IPC. He would further submit that the injured has been discharged from the hospital and the arrested accused have been released on bail. He would further submit that earlier this Court granted Anticipatory Bail to the petitioner in Crl.O.P.No.14271 of 2020 dated 14.09.2020. However, the petitioner was unable to execute the sureties. Hence the earlier order had lapsed. Therefore, he has filed the second petition. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner assaulted the defacto complainant due to which, he sustained injuries and he was admitted in the hospital. He further submitted that the injured has been discharged from the hospital and there is a previous case pending against the petitioner. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned counsel and the fact that the victims have been discharged from the hospital and that this Court has already granted anticipatory bail to the petitioner in Crl.O.P.No.14271 of 2020 and it has been lapsed by efflux of time, 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 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, Tiruvarur, 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 daily at 10.30 a.m., until further orders.

(c) the petitioner is directed to pay a sum of Rs.1000/- (Rupees One Thousand Only) to the Legal Services Authority attached to the concerned Court before executing the bond.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-
10/11/2020

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,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
TIRUVARUR.

5 THE OFFICER INCHARGE,
LEGAL SERVICES AUTHORITY,
THIRUVARUR.

COPY TO:

THE MEMBER SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary
charges

CRL OP.17829/2020

Date :10/11/2020

MK:30/11/2020



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