IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.17775 of 2020

S.Varatharajan @ Varuthraj ... Petitioner

Vs.

State by ...Respondent
The Inspector of Police
Mallasamuthiram Police Station
Mallasamuthiram
Namakkal District.
(Crime No.498 of 2020)

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.498 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under **Sections 294(b), 323, 324 and 506(ii) of IPC** in Crime No.498 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dhanasekaran is that due to previous enmity, the petitioner abused and attacked the defacto complainant with iron rod due to which, he sustained injuries on his hands and legs.

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. He would further

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submit that there is a case in counter in Crime No.499 of 2020. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner abused and attacked the defacto complainant with iron rod due to which, he sustained injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner and that there is a case in counter in Crime No.499 of 2020. However, he would vehemently oppose for the grant of anticipatory bail.

5. Taking into consideration the facts and submissions of the learned counsels and the fact that the victim has been discharged from the hospital and there is no previous case against the petitioner and that there is a counter case, this Court 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 is made ready, before the **learned Judicial Magistrate, Tiruchengode, Namakkal District**, 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. 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].

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[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/-
18/11/2020

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,
TIRUCHENGODE, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALLASAMUTHIRAM POLICE STATION,
MALLASAMUTHIRAM,
NAMAKKAL DISTRICT.

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges

CRL OP.17775/2020

Date :18/11/2020

TA-02/12/2020

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