

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18139 of 2020

Sathish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.
(Crime No. 778 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 in connection with Crime No. 778 of 2020, on the file of the respondent police.

For Petitioners: Mr.J.Jawahar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The 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), 353 & 506(i) of IPC, in Crime No. 778 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a person related to the petitioner was admitted in the hospital and that the petitioner has quarrelled with the hospital authorities and has also abused the doctors and other officers in filthy language, kicked the chairs and tables in the hospital and also threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail. He would further submit that the petitioner was granted anticipatory bail in Crl.O.P.No.14889 of 2020 on 23.09.2020 and when the petitioner has taken steps to surrender and execute sureties, the respondent foisted another false case against him. Thereafter, the petitioner was

arrested and remanded to judicial custody on 15.10.2020. In the meanwhile, the earlier order got lapsed, thereby, the petitioner was constrained to file a fresh application seeking anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's relative was admitted in the hospital and that the petitioner has quarrelled with the hospital authorities, abused and intimidated them and he has also prevented them from discharging their official duties. He would submit that as far as the petitioner is concerned, there are four previous cases pending against him. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions made by 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 deposit a sum of Rs.1,000/- (Rupees One Thousand Only) to the **District/Taluk Legal Services Authority** attached to the concerned Court and on such deposit and payment of proof, 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, Nagapattinam, 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 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

55601

[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/-
19/11/2020

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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THITTACHERRY POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT/TALUK LEGAL SERVICES AUTHORITY,
NAGAPATTINAM.

6 THE MEMBER SECRETARY,
TAMILNADU LEGAL AID SERVICE AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.18139/2020

Date :19/11/2020

CS-MN-02/12/2020