

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18355 of 2020

Shanmugam

... Petitioner

Vs.

The State Rep by

The Inspector of Police

Kundadam Police Station

Tiruppur District

(Crime No.1272 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.1272 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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 offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC in Crime No.1272 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the as per the defacto complainant Senthil is that on 05.11.2020 at about 11 p.m., due to wordy quarrel, the petitioner along with other accused abused and attacked the defacto complainant with iron rod due to which, he sustained injuries.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to previous enmity. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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, Dharapuram, 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].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
20/11/2020

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,  
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KUNDADAM POLICE STATION,  
TIRUPPUR DISTRICT.

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

CRL OP.18355/2020

Date : 20/11/2020

MK:02/12/2020

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