

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18688 of 2020

Subramani

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Dhali Police Station,
Tiruppur District
(Crime No.899 of 2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.899 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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), 323, 324 and 506(ii) of IPC, in Crime No.899 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant. On 14.11.2020 at 5.00 p.m., the petitioner abused the defacto complainant and also intimidated with dire consequences and attacked him. Hence, the complaint was registered,

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has falsely implicated in this case. He would further submit that earlier the defacto complainant abused this petitioner and attacked and this petitioner has lodged a complaint before the respondent police registered in Crime No.900 of 2020

against the defacto complainant. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioner and the defacto complainant. On 14.11.2020 at 5.00 p.m., the petitioner abused the defacto complainant and also intimidated with dire consequences and attacked him. He would further submit that the case in counter in Crime No.899 & 900 of 2020. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to following 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 made ready, before the learned Judicial Magistrate Court-II, Udumalpet. 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, as and when required for interrogation.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**

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

-sd/-
30/11/2020

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 COURT-II,
UDUMALPET.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.No 7871

CRL OP.18688/2020

Date :30/11/2020

MN-03/12/2020

WEB COPY