

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19292 of 2020

R.Sivakumar

... Petitioner

Vs.

The State represented by

The Sub Inspector of Police,

Thiruvannamalai Town Police Station,

Thiruvannamalai.

(Crime No.3680 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 apprehending arrest in Crime No.3680 of 2020 pending on the file of respondent police.

For Petitioner : Mr.N.Jaya Chandran

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), 509 and 506(ii) of IPC in Crime No. 3680 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant / Alamelu, is that on 14.03.2020, the first accused come to the house of the neighbour of the defacto complainant abused with filthy language and also threatened and intimidated her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and that the petitioner is related to one Sagunthala and the defacto complainant has personal enmity with said Sagunthala and thereby a false complaint has been given as against the petitioner. He would submit that originally a case was taken up as a CSR and the petitioner also appeared for enquiry, thereafter a case has been registered.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner/accused is RSI in the Armed Reserve Police Department. He had misbehaved with the defacto complainant and abused her with filthy language and he had acted in the manner unbecoming of a police officer. He would submit that the petitioner has no previous case and he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of 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 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 copy of the order is made ready, before the learned Judicial Magistrate-I, Thiruvannamalai, on further 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 Judicial Magistrate-I, Thiruvannamalai, 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 Superintendent of Police, Thiruvannamalai every day at 10.30 a.m., until further orders and the Superintendent of Police shall personally conduct enquiry and take appropriate action

[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, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/12/2020

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. I,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI.

5 THE OFFICER INCHARGE,
SUPERINTENDENT OF POLICE,
THIRUVANNAMALAI

+1CC to M/S.N.JAYACHANDER Advocate on payment of necessary charges SR NO.8037

CRL OP.19292/2020

Date :09/12/2020