

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19240 of 2020

Venkatesan @ Venkatesh

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vaazhapady Police Station,
Salem Distirct.
Crime No.572/2020.Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.572 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Vasudevan

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 offences punishable under Sections 147, 148, 363, 294(b), 323, 324, 355 and 506(ii) of IPC in Crime No.572 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he had love affair with Priyadarshini aged about 17 years and eloped with her. Thereafter, the respondent police has registered a case for "Girl Missing". The allegation against the petitioner is that he is related to the victim girl and enraged over the kidnap of the girl abused and attacked the defacto complainant with wooden log and also threatened him with dire consequences and thereby the defacto complainant sustained head injuries. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner is the close relative of the victim girl and fearing that the petitioner might take action against him the defacto complainant has given a false complaint. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the defacto complainant had love affair with a minor girl related to the petitioner and eloped with her and it was questioned by the petitioner. Thereafter, the petitioner abused and attacked the defacto complainant with wooden log and also threatened him with dire consequences and thereby the defacto complainant sustained head injuries. He further submitted that the injured has been discharged from the hospital and also submitted that the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned District Munsif Cum Judicial Magistrate, Vaazhapady, Salem 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 every day 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 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/-

07/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
VAAZHAPADY, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAAZHAPADI POLICE STATION,
SALEM DISTRICT.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

WEB COPY

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Date : 07/12/2020

TA-15/12/2020