

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19474 of 2020

S.Sankar

.. Petitioner

Vs.

The State rep. by  
The Inspector of Police  
Veppadai Police Station  
Namakkal District  
Crime No.213 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.213 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

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 alleged offences under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.213 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, following a wordy quarrel, the petitioner along with two other accused abused and attacked the de-facto complainant with bottle on his head and caused injuries and also threatened him with dire consequence. There is a case in counter. The respondent police have registered FIR based on complaint given by both the sides in Cr.Nos.213 & 214 of 2020.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally three accused in this case and the petitioner is added as A3. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration the 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 the following conditions

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Komarapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

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

-sd/-  
10/12/2020

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,  
KOMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VEPPADAI POLICE STATION,  
NAMAKKAL DISTRICT.

+1 CC to M/S.K.MYILSAMY Advocate on payment of necessary charges  
SR.No.8127

CRL OP.19474/2020

Date :10/12/2020

cs 15/12/2020

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