

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19811 of 2020

M.Balasubramanian

... Petitioner

Vs.

State Represented by  
The Inspector of Police,  
Paramathi Velur Police Station,  
Namakkal District.  
Cr. No.1550 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of his arrest  
in Crime No.1550 of 2020 on the file of the Inspector of  
Police,Paramathi Velur Police Station,Namakkal District.

For Petitioner : Mr.T.Gopinathan

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 punishable under Sections  
294(b), 323, 324 and 506(ii) of IPC in Crime No.1550 of 2020, on the  
file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that due to wordy quarrel,  
the petitioner abused the defacto complainant in filthy language and  
attacked him. Therefore, the defacto complainant sustained injuries.  
Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit  
that the petitioner is an innocent person and a false case has been  
foisted against the petitioner. Hence, he prayed for grant of  
anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there  
was a wordy quarrel between the petitioner and the defacto  
complainant. Due to which, the petitioner attacked him and the  
injuries sustained by the defacto complainant are simple in nature.  
He would further submit that the injured has been discharged from the

hospital and that there is no previous case pending against the petitioner. 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 victim has sustained only simple injuries and the victim has been discharged from the hospital and also there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Paramathivelur, 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:

[b] 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.

**[c] the petitioner shall report before the respondent police daily at 10.30a.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.

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

-sd/-  
22/12/2020

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,  
PARAMATHI VELUR

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMMAKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE ,  
PARAMATHI VELUR TALUK POLICE STATION,  
NAMMAKAL.

+1 CC to M/S T.GOPINATHAN Advocate on payment of necessary  
charges SR.NO.8721

CRL OP.19811/2020

Date :22/12/2020

GKS:04/01/2021

सत्यमेव जयते

WEB COPY