

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19877 of 2020

R.Prakasam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(*)Crime No.1783 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 his arrest in connection with **(*)Crime No.1783 of 2020**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.P.Vimal Raj

For Respondent : Mr.M.Mohamed Riyaz [IN CRL OP 19877/2020]
Additional Public Prosecutor

For Respondent : M/S.T.SHANMUGA RAJESWARAN [IN CRL MP 2349/2021]
Govt. Advocate (Crl. Side)

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, 427 and 506(ii) of IPC in **(*)Crime No.1783 of 2020**, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 04.12.2020, there was a wordy quarrel between the petitioner and the defacto complainant in Tasmac shop. The petitioner abused the defacto complainant and assaulted him. Due to which, 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 he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has abused and assaulted the defacto complainant due to wordy quarrel and the petitioner has damaged the bottle worth at Rs.320/-. The defacto complainant has sustained simple injuries and he was admitted in the hospital. He further submitted that he has been discharged from the hospital. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned counsel and the fact that the victim 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 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 order copy made ready, before the learned Judicial Magistrate, Rasipuram 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, report before the respondent Police every Monday at 10.30 a.m. Until further order.

[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 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 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.

(*)Amended and a further period of two weeks time is extended from the date on which the order copy is made ready, to comply with the conditions, as per order of this court made in CRL MP 2349 of 2021 dated 01.03.2021.

TO

1 THE JUDICIAL MAGISTRATE,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.P.VIMAL RAJ Advocate on payment of necessary charges SR NO. 2481

WEB COPY

CRL OP.19877/2020

Date :22/12/2020

RVR 06/01/2021
MN-23/03/2021