

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20853 of 2020

K.Marappan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Paramathy Police Station
Paramathy
Namakkal District
Cr.No.853 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.853 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.M.Mohamed Muzammil
Government 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 under Sections 294(b), 323, 427, 447 and 506(ii) of IPC in Crime No.853 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that there is a civil case in O.S No.81 of 2020 pending before the Sub Court, Paramathy, Namakkal District. In view of the civil dispute is pending, this case has been foisted against him.

4.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital and in this case, investigation almost completed.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and investigation almost completed and that except the offence under Section 506(ii) IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Paramathy, Namakkal 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 and on further condition that:

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

-sd/-
30/12/2020

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,
PARAMATHY, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S. M.SARAVANAKUMAR Advocate on payment of
necessary charges SR NO.8736

सत्यमेव जयते CRL OP.20853/2020

Date :30/12/2020

MK:06/01/2021

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