

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.18 of 2021

Sathishkumar

... Petitioner

Vs.

State rep. By

1. The Superintendent of Police,
Ranipet District.

2. Special Sub-Inspector of Police,
Sipcot Police Station,
Ranipet, Ranipet District.

(Crime No.536 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.536 of 2020 pending on the file of the 2nd respondent.

For Petitioner : Mr.T.Bhagyalakshmi

For Respondents : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of 2nd respondent police for the offence punishable under Sections 188, 341 and 353 of I.P.C. in Crime No.536 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that during the curfew time, while the petitioner is travelling in a car, without getting e-pass, the defacto complainant, the Inspector of Police had questioned the same, for which, the petitioner had abused him. Hence, the criminal case has been registered against the petitioner and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that as the petitioner is a Doctor, he is having valid duty pass for travelling and go to his hospital. However, the respondent police had made him to wait for 1 ½ hour and when the petitioner asked the defacto complainant to give a way, there was a wordy quarrel between them. He would submit that the petitioner is an innocent person and

he is no way connected with the allegations as alleged in the complaint. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is not having any bad antecedents. However, he had opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioner, being a doctor, he is having duty pass and he had asked to give a way, there was a wordy quarrel between them, 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, Ranipet, on condition that the petitioner shall execute a separate 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, 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 appear before the 2nd respondent police as and when required for interrogation ;

[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.

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

-sd/-

19/01/2021

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,
RANIPET

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT OF POLICE
RANIPET DISTRICT.

5 THE SPECIAL SUB INSPECTOR OF
POLICE, SIPCOT POLICE STATION, RANIPET,
RANIPET DISTRICT.

CC to M/S.T.BHAGYALAKSHMI Advocate on payment of necessary charges

CRL OP.18/2021

Date :19/01/2021

RVR 02/02/2021

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