

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.1302 of 2021

Rakesh

... Petitioner

Vs.

1.The Inspector of Police, ... Respondents
Madukkarai Police Station,
Coimbatore District
(Crime No.1834 of 2020)

2.S.Kalidoss

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 Crime No.1834 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Chandrasekar

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under **Sections 294 (b), 323, 324 and 506(ii) IPC** in Crime No.1834 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pandiyarajan is that there was a disute between his brother-in-law Kalidas and his wife Praveena and that they were living separately. While so, the petitioner who was a neighbout of the said Praveena, had developed intimacy with her. When the defacto complainant along with the said Kalidas had questioned the petitioner, the petitioner had abused them with filthy language and assaulted them with knife and also attempted to kill them and criminally intimidated them. thereby, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the neighbour of one Praveena and there was some dispute between the said Praveena and her husband Kalidas. He would submit that the said Kalidas had unnecessarily suspected that the petitioner was having affair with his wife Praveena and thereby, had abused the petitioner in filthy language and assaulted him due to which, the petitioner sustained injuries. He would submit that on the complaint given by the petitioner, a case in Crime No.1833 of 2020 has been filed against the said Kalidas and his brother-in-law Pandiyarajan and as a counter blast, a false complaint has been given against the petitioner by the said Pandiyarajan who is the brother-in-law of Kalidas. He would submit that the petitioner is prepared to abide by any stringent condition. Hence, he seeks for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner had developed illicit intimacy with the wife of the brother-in-law of the defacto complainant and when it was questioned by the defacto complainant and his brother-in-law Kalidas, the petitioner had assaulted them with knife. He would submit that the injured has been discharged from the hospital and it is a case and case in counter.

5. Taking into consideration, the above facts and circumstances of the case and the submissions of the learned Counsels and the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

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 on which the order copy is made ready, before the **learned District Munsif Court, Coimbatore**, 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, 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/02/2021

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 DISTRICT MUNSIF COURT
COIMBATORE.

2 THE INSPECTOR OF POLICE
MADUKKARAI POLICE STATION,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1302/2021

Date :01/02/2021

TA-08/02/2021