

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.398 of 2021

V.Vijayakumar

... Petitioner/Accused

-Vs-

State by,
Inspector of Police,
D4- Madhuravoyal Police Station,
Madhuravoyal, Chennai - 600 095.
(Crime No.1630 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioner/Accused on bail in the event of his arrest in Crime No.1630 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thanjan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(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 and 506(i) of IPC, in Crime No.1630 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the accused. The case of the prosecution is that the petitioner is one of the partner of M/s.SB Properties. On 22.12.2020, at about 9.30 a.m., when the defacto complainant was standing at the place of car parking, the petitioner scolded him in filthy language and assaulted him, due to which, the defacto complainant became unconscious and admitted in hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that it is a counter case. Already the petitioner had lodged a complaint registered in Crime No.1629 of 2020 against the defacto complainant, his son-in-law and his brother since they attacked the

petitioner and scolded in filthy language. Therefore, as a counter blast, the defacto complainant lodged a false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that a wordy quarrel took place between the petitioner, defacto complainant and others and they attacked each other and counter case was registered which is pending against both the parties. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7.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-II, Poonamallee, on condition that the petitioner shall execute a separate 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 every day at 10.30 a.m., for a period of two week and thereafter as and when required.

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

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

-sd/-
18/01/2021

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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
D-4, MADHURAVOYAL POLICE STATION,
MADHURAVOYAL, CHENNAI-600095

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

सत्यमेव जयते

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CRL OP.398/2021
Date :18/01/2021

cs 25/01/2021