

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.646 of 2021

Praveenkumar

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Valparai Police Station,
Coimbatore District.
(Crime No.248 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.248 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Sasikumar

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

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. He has been charged with for the offence punishable under Sections 294(b), 324 and 506 (ii) of I.P.C. in Crime No.248 of 2020 and now, he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that as the petitioner and defacto complainant are neighbours, due to previous enmity, there was a wordy quarrel between them, in which, the petitioner said to have abused and assaulted the defacto complainant with hands. Hence, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and the defacto complainant are neighbours. He would submit that as there was a wordy quarrel, due to previous

enmity, the petitioner has abused and assaulted the defacto complainant. He would submit that there are no previous cases pending as against the petitioner and the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard the rival 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 occurrence took place between neighbours in a wordy quarrel due to previous enmity, as a result of which, the petitioner said to have assaulted the defacto complainant with hands and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) 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 was made ready, before the learned Judicial Magistrate, Valparai, on condition that the petitioners 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 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.

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

-sd/-
21/01/2021

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,
VALPARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VALPARAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO. 688

सत्यमेव जयते CRL OP.646/2021

Date :21/01/2021

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MN-01/02/2021