

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.975 of 2021

Periasamy @ Nagamanikkam

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Negamam Police Station
Coimbatore District.
(Crime No.17 of 2021)

.... 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.17 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.N.Balakrishnan

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

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. He apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of I.P.C., in Crime No. 17 of 2021, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that A1 is a father-in-law. A2 is a brother-in-law. The defacto complainant is the son-in-law of A1. On the date of occurrence, due to some family dispute, there was a wordy quarrel between A1 and A2. As the petitioner is a neighbour of A1, he has also intervened. In the said circumstances, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking for anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. He would submit that as there was a wordy quarrel, the petitioner, who is only a neighbour of A1 has intervened and tried to convince the parties. He would submit that he has been falsely implicated as accused in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to a family dispute, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner along with A1 and A2 have abused the defacto complainant in filthy language and also intimidated him with dire consequences. He has further submitted that the injured was discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the fact that the occurrence took place due to a family dispute, there was a wordy quarrel, the petitioner being a neighbour of A1, has tried to convince the parties, the injured was discharged from the hospital, and there is no bad antecedents against the petitioner, 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 No.II, Pollachi, 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 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/-
27/01/2021

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
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DIST.[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEGAMAM POLICE STATION, COIMBATORE DISTRICT.

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

CRL OP.975/2021

Date :27/01/2021

ksm08/02/2021