

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1118 of 2021

Viml John Bosco

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
(Crime No.281 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.281 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Balaguru Swamy

For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been 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), 324 and 506(ii) of I.P.C in Crime No.281 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the sole accused in this case and the de facto complainant is the wife of the petitioner. The allegation against the petitioner is that there is a frequent quarrel between the petitioner and the de facto complainant and on the date of occurrence, the petitioner went to the de facto complainant's parental home and quarreled with the de facto complainant. While the parents of the de facto complainant prevented the quarrel, the petitioner is alleged to have attacked them with knife and thereby, caused injuries to them. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is in no way connected with the offence. He would submit that he has been falsely implicated 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 matrimonial dispute, the petitioner frequently quarreled with the de facto complainant by demanding dowry. He would submit that on the date of occurrence, the petitioner attacked the parents of the de facto complainant with knife and caused injuries to them. He would further submit that the injured have been discharged from the hospital. 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 for respondent and perused the entire materials available on record.

6. Taking into consideration of the facts and circumstances and the fact that the injured have been 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 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, Denkanikottai, on condition that the petitioner shall execute a 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 daily at 10.30 a.m. for the period of two weeks and thereafter, 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/-

09/02/2021

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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.R.BALAGURU SWAMY Advocate on payment of necessary charges SR.NO.1352

CRL OP.1118/2021

Date :09/02/2021

RVR 19/02/2021

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