

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1942 of 2021

Gobinath

... Petitioner

-Versus-

State Rep. By
The Inspector of Police,
Kottur Police Station,
Tiruvarur District.
[Crime No.121 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 arrest in Crime No. 121 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.121 of 2021 on the file of the respondent police for the alleged 294(b), 324 and 506(ii) of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner is the sole accused in the case. The petitioner and the de facto complainant are stated to be drivers by

profession. The allegation is that the petitioner attacked the de facto complainant followed by a quarrel over parking of car and criminally intimidated him with dire consequences. There appears to be a counter case registered on the complaint of the petitioner against the de facto complainant.

4. The learned Additional Public Prosecutor would submit that the petitioner and the de facto complainant attacked each other over a dispute in respect of parking of a car and sustained simple injuries. There is also counter case registered in Cr.No.122 of 2021 against the de facto complainant.

5. Having regard to the submissions made by the parties and taking into consideration the fact that the dispute appears to have arisen in between the parties on trivial issue and there is a counter case also registered against the de facto complainant, 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-II, Mannarkudi, Tiruvarur District , on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[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 report before the respondent police as and when required by the police 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 himself /Trial Court 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.

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

-sd/-
24/02/2021

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 - II,
MANNARKUDI, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO.2262.

WEB COPY

CRL OP.1942/2021

Date :24/02/2021

EP-01/03/2021