

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2704 of 2021

David Immaual

... Petitioner

-Vs-

State Rep. by
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.57 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant an order of Anticipatory Bail for the petitioner in the event of arrest or his surrender before the Court, pending investigation in connection with Crime No.57 of 2021 on the file of the Respondent.

For Petitioner : Mr.K.Vijayakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii) of I.P.C. in Crime No.57 of 2021 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that due to a money dispute, there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, he along with other persons said to have attacked the defacto complainant. In the said circumstances, the criminal case has been registered against him and now, he is seeking anticipatory bail.

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. He would submit that 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 now the investigation is also completed and injured was discharged from the hospital. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between 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-II, Panruti 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 petitioners 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.

6. 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 NO.II,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.K.VIJAYAKUMAR Advocate on payment of necessary
charges SR NO.2316

CRL OP.2704/2021

Date :24/02/2021

MK:04/03/2021

WEB COPY