

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3596 of 2021

Vishnu

... Petitioner

Vs.

State by,
The Inspector of Police,
Vellampalayam Police Station,
Tiruppur District.
(Crime No.342 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 by the respondent police in Cr.No.342 of 2020 pending on the file of the respondent police or on his appearance before the Court.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A5. He has been charged with for the offence punishable under Sections 147, 148, 294(b), 323, 326, 355, 392 and 506(2) of I.P.C. in Crime No.342 of 2020 and now, he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that on the date of occurrence, when the quarrel between two groups, it was questioned by the defacto complainant, due to which, the petitioner said to have attacked the defacto complainant, thereby caused injury. 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 now the investigation is also completed. 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 petitioners, 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 No.III, Tiruppur, 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.

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.III,
TIRUPPUR, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAMPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S. N.SUDHARSAN Advocate on payment of necessary charges SR NO. 2374

सत्यमेव जयते

CRL OP.3596/2021

Date :24/02/2021

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MN-02/03/2021