

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4307 of 2021

EESU @ ASLAM BASHA ARABJAN [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.41 OF 2019.

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.41 of 2019 on the file of the respondent police for the alleged offence u/s 341, 294(b), 323 and 506(i) 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. There are totally three accused involved in this case and the petitioner has been arrayed as A3. The case of the de facto complainant is taht she was running a hotel by name "Kaja Hotel" at Kelamangalam in Krishnagiri, opposite Kelamangalam bus stop. On 25.01.2019, the petitioner and other accused persons who came to her hotel ordered for food. When the husband of the de facto complainant informed the petitioner that it would take 10 minutes, the petitioner and the other accused scolded him in filthy language and beaten him up. When it was questioned by the de facto complainant, she was pushed aside by A1 and other other accused and scolded her

in filthy language and also criminally intimidated her and her husband. The de facto complainant and her husband were rushed to Government Hospital, Hosur, for treatment for the injuries.

4. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely roped in this case. The learned counsel for the petitioner further submitted that A1 and A2, who were arrested and remanded to judicial custody, had been released on bail.

5. The learned Additional Public Prosecutor fairly submitted that the occurrence was in the year 2019 and A1 and A2 had been granted bail. He further submitted that investigation is almost completed.

6. Considering the fact that the occurrence was taken place in the year 2019 and substantial investigation is over and also considering the fact that A1 and A2 had already been granted bail, 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 District Munsif cum Judicial Magistrate, Denkanikottai**, on executing a 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:

[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/-

17/03/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.3535

CRL OP.4307/2021

Date :17/03/2021

TA-22/03/2021

WEB COPY