

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5262 of 2021

PALANISAMY

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
VOIMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.795 OF 2020.

[RESPONDENT]

For Petitioner : M/S.J.JAWAHAR 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 :-

The petitioner, who apprehends arrest for the alleged offences under Sections 147,148, 341, 294(b), 326, 307, 506(ii) of I.P.C and subsequently altered to 147,148, 341, 294(b), 326, 307, 506(ii) of I.P.Cr/w 12 of POCSO Act, 2012 of I.P.C in Crime No.795 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 7 accused in this case and the petitioner is A7. The case of the prosecution is that A1 in this case is the relative of the petitioner and there was previous enmity between the injured person and A1. Due to which A1 along with other accused persons assaulted the injured. The allegation against this petitioner is that on the date of occurrence, when the injured was proceeding in a two wheeler, the petitioner/A7 identified the injured person to the other accused and the other accused persons said to have attacked the victim and caused serious injuries to him. Based on the complaint given by the wife of the injured, the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is only relative of A1 and he has been falsely implicated in this case. Even as per F.I.R the allegation against the petitioner is that he only identified the injured person to the other accused persons and there is no specific overtact against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional public prosecutor would submit that earlier the son of A1 misbehaved with the daughter of the injured person. Due to which the injured person abused and attacked A1 in retaliation A1 along with other accused persons attacked the injured. So far as this petitioner is concerned he identified the injured to the other accused persons. He would further submit that already 3 accused persons were detained under Goondas Act and two persons were arrested and enlarged on bail and after investigation F.I.R was altered and the petitioner was implicated for the offences under 147, 148, 341, 294(b), 326, 307, 506(ii) of I.P.C r/w 12 of POCSO Act, 2012 of I.P.C . Hence, he opposed for grant of anticipatory bail to the petitioner.

5. I have considered the rival submissions.

6. Considering the facts and circumstances of the case and also of the fact that the allegation against the petitioner is that he had identified the injured person to the other accused person and apart from that there is no serious allegation against the petitioner and some of the co-accused persons were arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with some conditions.

7. Accordingly, the petitioner is ordered to be released on bail in their event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No. II, Nagapattinam on condition that the petitioners shall execute 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 daily at 10:30 p.m until further orders.

[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 absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-

16/03/2021

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 JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
VOIMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.5262/2021

Date :16/03/2021

TA-08/04/2021

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