

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5169 of 2021

E.Venkatesan

... Petitioner

Vs.

State rep. By

....Respondent

The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
(Crime No.84 of 2021)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Cr.No.84 of 2021 on the file of the respondent pending investigation.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr. S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323, 324 and 506(ii) of IPC, r/w 3(1) TNPPDL Act 1992, in Crime No.84 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to a previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner along with other accused persons had attacked the defacto complainant with stones and abused in filthy language and threatened with dire consequences. Hence, the complaint was registered.

3. The learned Counsel 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. He would further submit that the petitioner has given a complaint before the respondent police in Crime No.85 of 2021 against the defacto complainant and it is a case in counter. He would further submit that co-accused had already been arrested and thereafter he was released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is a case in counter case in Crime Nos.84 & 85 of 2021 has been registered by the respondent police. He would further submit that co-accused had already been arrested and thereafter he was released on bail. He further submitted that there is no previous cases pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that it is a case in counter and the injured person has been discharged from the hospital and co-accused had already been arrested and thereafter he was released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned District Munsiff cum Judicial Magistrate, Utiramerur, on condition that the petitioner 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 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 for interrogation.

[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 229A IPC.

7. 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges SR.NO.3509

CRL OP.5169/2021

Date :16/03/2021

TA-29/03/2021