

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5327 of 2021

Moorthy

... Petitioner

-Vs-

State by
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.137 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.137 of 2021 is pending on the file of the respondent police.

For Petitioner : Mr.M.R.Jothimanian

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 under Sections 147, 294(b), 341, 324, 323, 427, 506(II) and 379 (NP) IPC, in Crime No.137 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the Transport contractors and there is a business motive. On the date of occurrence, there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused persons are said to have attacked the defacto complainant and damaged the car worth about of Rs.40,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a business rivalry between the petitioner and the defacto complainant. He would further submit that the defacto complainant had also attacked the petitioner. He would further submit that the petitioner has given a complaint before the respondent police in Crime No.141 of 2021 against the defacto complainant. He would further

submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons are said to have attacked the defacto complainant and damaged the car worth about of Rs.40,000/-. He would further submit that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, that there was a business motive and it is a case in counter and there is no previous case pending as against the petitioner, 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 Judicial Magistrate No-II, Mettur, Salem District, 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 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.137 of 2021, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent Police as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

[h] 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/-
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 JUDICIAL MAGISTRATE NO-II,
METTUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. M.R.JOTHIMANIAN Advocate on payment of necessary charges SR NO. 3538

WEB COPY

CRL OP.5327/2021

Date :17/03/2021