

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9920 of 2021

Muralidoss

... Petitioner

Vs.

State, rep. by
The Sub-Inspector of Police,
Valivalam Police Station,
Nagapattinam District
(Crime No.175 of 2021)

... 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 in Crime No.175 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original petition has been filed under Section 438 of 'The Criminal Procedure Code, 1973' ('Cr.P.C.' for the sake of brevity) with a prayer for anticipatory bail as the lone petitioner herein apprehends arrest by the respondent / State for the alleged offences punishable under Sections 294(b), 323, 353, 506(i) of the 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity) vide Crime No.175 of 2021 on the file of Valivalam Police Station, Nagapattinam District.

2. This Court heard Mr.N.Palanivel, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent.

3. Mr.N.Palanivel, learned counsel for Petitioner submits that, petitioner herein is son of President of Kothangudi Village Panchayat in Nagapattinam District and defacto complainant is Secretary of the same Panchayat. A wordy exchange/argument between the two is alleged to have resulted in a slap, which even according to the prosecution did not cause any injury. There is no adverse antecedents qua petitioner is learned counsel's further say.

4. Mr.A.Gopinath, learned State Counsel on behalf of respondent submits that there was no injury and it was only a case of wordy exchange resulting in a slap. There is also no disputation regarding submission of learned counsel for petitioner that the petitioner has not come to adverse notice of the respondent police.

5. In the light of the aforesaid narrative, this Court is inclined to accede to the prayer for anticipatory bail.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.1, Nagapattinam, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bond and the Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is 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/itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused thereafter absconds, consequences ingrained in Section 229-A I.P.C. as applicable will follow.

-sd/-

04/06/2021

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.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
VALIVALAM POLICE STTION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges

CRL OP.9920/2021

Date :04/06/2021

RVR 06/07/2021

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