



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12543 of 2021

WEB COPY

Mansur

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
(Crime No.392 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.393 of 2021 on the file of the respondent.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 427 506(ii) IPC in Crime No.392 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute in respect of refusing employment to the petitioner's brother who was already worked as a driver, for which, a quarrel arose between them and the petitioner abused the defacto complainant's brother with filthy language, trespassed and also damaged the wind screen of TATA ACE vehicle worth about 2,400/- and also attacked the defacto complainant with hands and threatened them with dire consequences. Thereby, the defacto complainant sustained injuries. Hence, the defacto complainant has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that there was a dispute in respect of refusing employment to the petitioner's brother who was already worked as a driver, for which, a quarrel arose between them and both the parties exchanged blows. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that there was a wordy quarrel between the petitioner and the defacto complainant's brother, the petitioner attacked the defacto complainant and damaged the wind screen of TATA ACE vehicle, due to which, the defacto complainant sustained injuries. He further submits that the injured has been discharged. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the injured was discharged, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Pollachi 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 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 Court concerned 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 a.m for a period of two weeks and thereafter 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 petitioners 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
20/07/2021

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, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO. 7579

CRL OP.12543/2021

Date :20/07/2021

RW 28/07/2021