

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20492 of 2020

Jeyakumar

... Petitioner

Vs.

The State Rep. By  
Sub-Inspector of Police,  
Maruvathur Police Station,  
Perambalur District.  
(Crime No.1061 of 2020)

... 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.1061 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Srinivasa Rao

For Respondent : Mr.S.Karthikeyan  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The petitioner is a sole accused. He has been implicated in the crime for the offence punishable under Sections 294(b), 324, 506(ii) of I.P.C. in Crime No.1061 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that there was a wordy quarrel between the petitioner and the de facto complainant, as a result of which, the petitioner is said to have abused the de-facto complainant in filthy language and it is a case in counter. The respondent police have registered FIRs based on complaint given by both the sides in Crime Nos.1060 and 1061 of 2020.

3. The learned counsel appearing 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that no one was injured in this case. He would further submit that there is no previous case pending against the petitioner.

5. Taking into consideration of the fact that it is a case in counter and the allegation is not serious in nature, 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-II, Perambalur**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 appear 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/-

05/01/2021

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 - II,  
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
PERAMBALUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE  
MARUVATHUR POLICE STATION,  
PERAMBALUR DISTRICT.

CC to M/S.R.SRINIVASA RAO Advocate on payment of necessary charges

CRL OP.20492/2020

Date :05/01/2021

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MN-18/01/2021