

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20101 of 2020

Abu Thufile

... Petitioner

Vs.

The State, represented by,
The Inspector of Police,
Ranipet Police Station,
Ranipet District
(Crime No.1363 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest by the respondent police concerned with Crime No. 1363 of 2020, on the file of the Inspector of Police, Ranipet Police Station, Ranipet District.

For Petitioner :Mr.N.S.Amarnath

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who is arrayed as single accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 294 (b) and 506(i) of IPC, in Crime No.1363 of 2020, seeks anticipatory bail.

2. The case of prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant on the issue of removal of slab on the sewage pipeline, in which the petitioner said to have abused the defacto complainant with filthy language and also threatened him with dire consequences. Hence the compliant.

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 it is only a wordy quarrel and no one is injured in the occurrence. He would further submit that there is no other case pending as against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and there is a wordy quarrel in between the parties, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] 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 at Ranipet, Ranipet District, 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:

[b] 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.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/01/2021

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,
AT RANIPET, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.20101/2020

Date :07/01/2021

cs 04/02/2021

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