

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20385 of 2020

Ramesh

... Petitioner/ 1st Accused

Vs.

The State, represented by,
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.769 of 2020) ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police concerned in connection with Crime No.769 of 2020, on th file of the Inspector of Police, Magudanchavadi Police Station, Salem District.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is the hotel owner and he was arrayed as 1st accused. He has been implicated in the crime for the offence punishable under Sections 324, 341 & 307 of I.P.C. in Crime No.769 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that due to previous enmity between the petitioner and the defacto complainant, on 09.12.2020 while the defacto complainant was standing opposite to the Bhima Hotel to board the bus, the petitioner and other two persons said to have assaulted the de-facto complainant by using the knife. The other two accused were caught by the defacto complainant and threatened with dire consequences. Due to the said attack, the defacto complainant sustained injuries on his head and on his left leg. Thereafter the defacto complainant was admitted in the Government Hospital, Edapadi and it is a case in counter. Hence the case has been registered.

3. The learned counsel appearing for the petitioner submitted that he is the owner of the Hotel in the name and style of Bhima Hotel at Elampillai. The defacto complainant is referred as history street rowdy, and he has created problems in the Hotel, in which a case has been registered by the respondent police in Crime No.768 of 2020 for alleged offences under section 324, 506(2) of IPC, as a counter blast case, the present complaint has been filed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that it is a case in counter. On the earlier occasion, the respondent police has registered FIR in Crime No.768 of 2020, dated 09.12.2020, based on complaint given by the petitioner against the defacto complainant and the he was discharged from hospital. 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 injured person has been discharged from hospital, 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, Sankari, 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/-

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,
NO.II, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

WEB COPY

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Date :07/01/2021

MN-25/01/2021