



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.20524 of 2020

RAGUL

[PETITIONER / ACCUSED-1]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
SAIBABA COLONY POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.1068 OF 2020

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.G.KARTHIKEYAN Advocate

For Respondent : M/S.C.Iyyappa Raj, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 341 and 307 IPC, in Crime No.1068 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Nithish Kumar is that due to sharing of abusive content in whatsapp, there was previous enmity and motive between the accused and the defacto complainant. While so on 12.09.2020, the petitioner along with other accused waylaid the defacto complainant and stabbed him with knife, due to which the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity and that he happens to be the friend of the main accused. He would further submit that this is the third application for anticipatory bail and the earlier application filed by the petitioner in CrI.O.P. No.17353 of 2020 was dismissed by this court on 11.11.2020, subsequently without the knowledge of the petitioner, his friends had instructed some other advocate to file a petition for anticipatory bail and that the second application which was filed without the instructions from the petitioner in



Crl.O.P.No.19889 of 2020 was dismissed by this Court vide order dated 09.02.2021. He would further submit that the petitioner is the only son in his family and that his father passed away on 19.12.2020. Due to the pendency of this case and apprehension of arrest, the petitioner was unable to visit his house and perform the last rites for his father. He would further submit that his mother viz. Baby has filed an affidavit stating that the petitioner being the only son was unable to discharge his religious duty and thereby the entire family has also been affected.

4.The respondent has a filed status report.

5.Learned Additional Public Prosecutor would submit that there was an existing rivalry and previous enmity between two groups on account of sharing of abusive content in a social media. While so, the petitioner along with his friend had earlier assaulted the defacto complainant's father in respect to which a case in Crime No.341 of 2020 has been registered against this petitioner, thereafter, the petitioner has been involved in the present case. He would submit that this court taking into consideration the antecedents had dismissed the earlier application filed by the petitioner. Subsequently, suppressing the earlier dismissal, the second application for anticipatory bail was filed and that application was also recently dismissed by this Court in Crl.O.P. No.19889 of 2020 on 09.02.2021. He would further submit that the petitioner is having one previous case pending against him.

6.At this juncture, the learned Counsel for the petitioner would submit that the petitioner is aged about 21 years and he is the only son of Mr. Ramesh who passed away on 09.12.2020. Due to the pendency of the case and apprehension of arrest, the petitioner was unable to perform the last rites of his father. He would submit that this Court may consider the peculiar and unfortunate circumstances of the petitioner and his young age and also that the petitioner is prepared to abide by any stringent conditions that may be imposed on him by this Court, may grant him anticipatory bail.

7.Heard the counsels. Perused the status report filed by the respondent police and the affidavit filed by the petitioner's mother viz. Baby. The affidavit has been taken on record.

8.Normally this Court does not grant anticipatory bail when there is a previous case and which has been registered recently. However, taking into consideration the petitioner's young age and the peculiar and unfortunate circumstance that the petitioner being the only son whose father had just passed away is unable to perform the last rites to his father and that the supporting affidavit has also been filed by the widowed mother of the petitioner stating that the entire family is affected because of this unfortunate situation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) the petitioner is directed to be released on bail in the event of his arrest or on his appearance before the learned Judicial



Magistrate No.7, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Fifteen Thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police everyday at 10.00 a.m. until further orders.

[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 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].

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

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

-sd/-
04/03/2021

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.7,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SAIBABA COLONY POLICE STATION,
COIMBATORE DISTRICT.

CC to G.KARTHIKEYAN Advocate on payment of necessary charges

CRL OP.20524/2020

Date :04/03/2021

MN-10/03/2021