

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20838 of 2020

Gangatharan

... Petitioner/Accused

-Vs-

The State represented by ... Respondent/Complainant
Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.1581 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1581 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Rajendran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323 and 506(ii) of IPC, in Crime No.1581 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant was discharging his duties as Superintendent in District Adidravidar Welfare Office Vellore, the petitioner is alleged to have attacked the defacto complainant and that there was a wordy quarrel between them for not furnishing information sought for by the petitioner. On the complaint of the defacto complainant, a case was registered in crime no.1581 of 2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a senior citizen aged about seventy years and he only sought for information regarding his service benefits but instead of furnishing the information, the defacto complainant shouted at the petitioner in a filthy language and lodged a false complaint against the petitioner. Hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that a case was registered in crime no.1581 of 2020, on the complaint lodged by the defacto complainant and there was a wordy quarrel between the petitioner and the defacto complainant. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances and the petitioner being a senior citizen, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Vellore, on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 every day at 10.30 a.m., for a period of two week and thereafter as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/01/2021

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.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges SR.NO.295

सत्यमेव जयते

CRL OP.20838/2020

Date :08/01/2021

WEB COPY

TA-25/01/2021