

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20941 of 2020

Ayyamuthu

... petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
(Crime No.674 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.674 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Subash

For Respondent : Mr.S.Karthikeyan
Addl. 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 offences punishable under Sections 294 (b), 427, 323, 506(ii) of IPC and Section 4 of TNPHW Act, 2002, in Crime No.674 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, pursuant to which, the petitioner abused him with filthy language and has also attacked the defacto complainant and threatened her with dire consequences, thereby the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner abused with filthy language and he has also attacked the *defacto* complainant and threatened her with dire consequences. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the nature of offence, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Sankari, on condition that each of the petitioners 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 petitioners shall deposit Rs.5,000/- to the credit of concerned Court, who, in turn, hand over the amount to the de facto complainant.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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 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 229-A IPC.

-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.II, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.20941/2020

Date :08/01/2021

TA-29/01/2021

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