

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25914 of 2021

Anbarasan

... Petitioner

Versus

State represented by
The Inspector of Police,
Brammadesam Police Station,
Tindivanam T.K.Villupuram District
(Crime No.370 of 2021)

....Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.370/2021 on the file of the respondent police or on his surrender before the Judicial Magistrate Court.

For Petitioner : Mr.T.Parthiban

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 341, 427 and 506(ii) of IPC in Crime No.370 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to election, there was a wordy quarrel between them, as a result of which, the petitioner abused the defacto complainant in filthy language and assaulted him by hand on his cheek and also caused damage to the cell phone belong to defacto complainant and tearing with bear bottle on his back side neck. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the defacto complainant and his rowdy elements have trespassed into the petitioner's house and pulled down the sari of petitioner's wife and abused in filthy language against their family and also caused life threat to them. For which, she has lodged a complaint in CSR.No.954 of 2021. The learned counsel would further submit that the petitioner is an innocent person and he is no way connected with the offence. He would submit that he has been falsely implicated as accused in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous enmity, there was a wordy quarrel, due to which, the petitioners have assaulted the defacto complainant on his cheek and also assaulted him with beer bottle, thereby, he has caused simple injury. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

\ 5. Taking into consideration the fact that on the date of occurrence, due to previous enmity, there was a wordy quarrel between the parties, thereby the petitioner said to have assaulted the defacto complainant with a beer bottle and caused simple injury, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, the Criminal Original Petition is allowed. 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 No.II, Tindivanam, Villupuram District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

-sd/-

29/12/2021

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, TINDIVANAM, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
BRAMMADESAM POLICE STATION,
TINDIVANAM TALUK,VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S T.PARTHIBAN Advocate on payment of necessary charges SR.NO.15672

CRL OP.25914/2021

Date :29/12/2021

RW 04/01/2022