



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.159 of 2022

Pawankumar

... Petitioner

Versus

State rep by its:-

Inspector of Police,
Mallur Police Station,
Salem District.

(Crime No.473 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in the Crime No.473 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 506(ii) of IPC in Crime No.473 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was love affair with the defacto complainant's daughter and that on 27.12.2021, at about 9.00 p.m., the petitioner along with his friend one Sampath went to the defacto complainant's house and created noise and the same was questioned by the defacto complainant, the petitioner slabbed him and the other accused person abused him with filthy language and threatened him with dire consequences and also tried to attack him with knife. Hence this case.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has filed affidavit stating that he would not causing any interference with the victim girl's life in future and also stating that he is a college student and he wants to complete final year exams. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was in love with the defacto complainant's daughter in connection with a case has been registered against the petitioner in Crime No.251 of 2021 before the Mallur Police Station. He would further submit that the co-accused has been arrested and released on bail. However, the learned counsel vehemently opposed to grant anticipatory bail to the petitioner.

5. The said affidavit filed by the petitioner is recorded and the same shall form part of this order.

6. Considering the facts and circumstances of the case and considering the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.VI, Salem, on condition that the petitioner shall execute a 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 is directed to report before the respondent police on every Wednesday and Saturday at 05.30 p.m., until further orders;

[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 anticipatory 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.

8. With the above directions, the Criminal Original Petition is ordered accordingly.

-sd/-
10/01/2022

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.VI,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MALLUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.159/2022

Date :10/01/2022

INBA~20/01/2022