



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1176 of 2022

M.Ramesh

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Sulur Police Station,
Coimbatore.
(Crime No.989/2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.989 of 2021, on the file of the respondent Police.

For Petitioners : M/s.SMS Law Chambers

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 147, 148, 294(b), 323, 324 & 506(ii) of IPC in Cr.No.989 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 22.10.2021, the petitioner and his friends entered into wordy quarrel with the Defacto complainant and abused the defacto complainant in filthy language and attacked him with beer bottle and also threatened him with dire consequences, thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners and the defacto complainant are friends and they are having some dispute with regard to some previous dispute while playing football, due to which, the defacto complainant preferred a false complaint against the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor (Crl side) on instructions submits that the above said two foot ball teams and the above said teams have some previous dispute while they are playing foot-ball. While so, on 24.09.2021, Dinesh, Nagarajan, Sampath and Ramesh who belong to Sweet Rascals Team assaulted Santhosh, who belongs to Everest Team, following the same, a case has been registered by the respondent police. Due to which, the accused persons retaliated by attacking the Defacto complainant with beer bottle and caused injury. He further submits that the investigation was almost completed and victim has been discharged. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case pending against the petitioners, the investigation was almost completed and the victim also discharged, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Principal District and Sessions Judge, Coimbatore, 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 Court concerned 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 on every Saturday at 10 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/01/2022

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.SMS LAW CHAMBERS Advocate on payment of necessary charges SR.No.862

CRL OP.1176/2022

Date :20/01/2022

CSK 28/01/2022