

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1502 of 2022

Gowthaman

.. Petitioner

Vs.

The State Rep by
The Inspector of Police,
T - 14, Mangadu Police Station,
Chennai 600 122.
(Crime No.21 of 2022

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Cr.No. 21 of 2022 now pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Arul

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 506(i) & 427 of IPC in Crime No.21 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.12.2022, while the defacto complainant distributing the calender at Periyapanichery, at that time, due to the instigation of the A1/petitioner, A2 slapped the defacto complainant and abused him in filthy language and thrown the stone on his Auto. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the co-accused was enlarged on bail. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, without prejudice to her defence, is ready and willing to contribute a sum of Rs.20,000/- to the credit of Crime No.21 of 2022. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner broken the defacto complainant Auto's mirror and abused him and the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the fact that investigation was almost completed and the petitioner, on his own volition, without prejudice to his defence, is ready and willing to contribute a sum of Rs.20,000/- to the credit of Crime, this Court is inclined to grant anticipatory bail to the petitioner 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Sriperumundur 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.21 of 2022 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.20,000/- on proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police on Tuesday at 10.30 a.m for a period of four weeks and thereafter as and when required for an 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 has 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

25/01/2022

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,
SRIPERUMUNDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
CHENNAI-600 122.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.ARUL Advocate on payment of necessary charges
SR.NO.1142

CRL OP.1502/2022

Date :25/01/2022

RW 09/02/2022