



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1798 of 2022

Venkatesan

... Petitioner

Vs.

State rep by
Inspector of Police
Mangalapuram Police Station,
Namakkal District.
(Crime No.17 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner on in the event of his arrest in crime No.17 of 2022, on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.N.S.Suganthan,

Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 323, 324, 427 and 506(ii) of IPC in Cr.No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, when the defacto complainant and his friends sitting near at the petitioner's shop and preparing to celebrate New Year and raising sound, on seeing them, the petitioner scolded them in filthy language, assaulted the with stick , threatened them with dire consequences and also caused injuries on them. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was a case in counter. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl side) on instructions submits that the injured has sustained injury, hospitalized and discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the fact that the injured has discharged from the hospital, 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 Judicial Magistrate, Rasipuram 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 Tuesday 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 has 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]; and;



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

WEB COPY

-sd/-
28/01/2022

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1798/2022

Date :28/01/2022

JPA 09/02/2022