



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Crl.O.P.No.1986 of 2022

Mohan

...Petitioner

Vs.

State Rep by  
The Inspector of Police,  
Paravakottai Police Station,  
Thiruvarur District.  
(Crime No.26 of 2022)

... 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 Crime No.26 of 2022 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 324 and 506 (ii) of IPC in Cr.No.26 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.01.2022, the petitioner along with other accused persons waylaid the defacto complainant assaulted him with wooden log and abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

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



4.The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused persons assaulted the defacto complainant, due to which, he sustained injuries in his left thigh and he further submitted that there is no previous case as pending against the petitioner and the investigation almost completed.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case as against the petitioner, 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 No.II, Mannargudi, Thiruvarur District, on condition that the petitioner shall execute a separate 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.26 of 2016 before the concerned Magistrate within a period of three weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant are permitted to withdraw the said deposit amount of Rs.10,000/- 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 every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for 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 have 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;

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

-sd/-

31/01/2022

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.II, MANNARGUDI,  
THIRUVARUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,  
PARAVAKOTTAI POLICE STATION,  
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.1986/2022

Date :31/01/2022

RW 10/02/2022