

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15055 of 2019

1 KUTNU @ INBARASAN
2 ANBU

[PETITIONER / ACCUSED]

vs

STATE REP BY
INSPECTOR OF POLICE,
E-3 MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.287/2019.

[RESPONDENT]

For Petitioner : M/S.K.SARAVANAN Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 341, 324, and 506(ii) of IPC, in Crime No.287 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners cut the knife with the defacto complainant before the knee and the right hand with the previous enmity, since the defacto complainant is in patient and admitted in the hospital for the past three days. The defacto complainant wife is illegal contact with the second accused. The defacto complainant questioned the second accused at that time that there was a wordy quarrel and beaten and cut the knife with the defacto complainant's hands. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. Therefore, she prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are four accused and victim was discharged from the hospital, hence, she vehemently opposed to grant anticipatory bail to the petitioner.

this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Ponneri, on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[g] The petitioners jointly are directed to pay a sum of Rs.25,000/- to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order.

-sd/-

21/06/2019

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, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

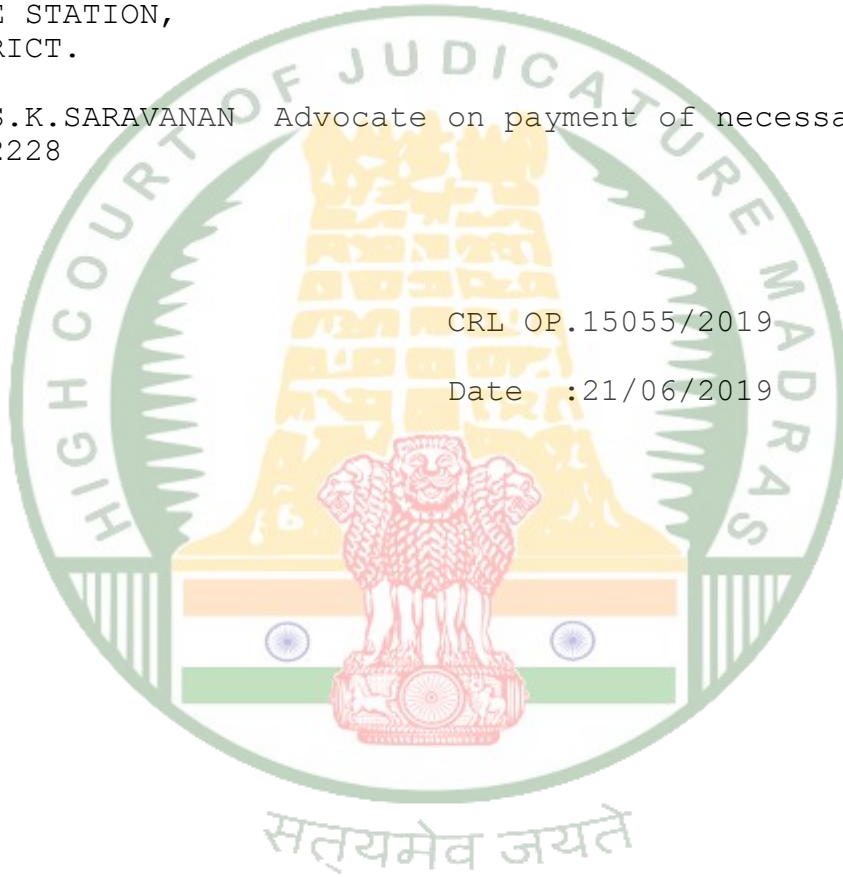
4 THE INSPECTOR OF POLICE,
E-3 MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.K.SARAVANAN Advocate on payment of necessary
charges SR.NO. 12228

RD 24/06/2019

CRL OP.15055/2019

Date :21/06/2019



WEB COPY