

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.8281 of 2020

Moorthi

Petitioner

vs.

The Inspector of Police,  
Royakottai Police Station,  
Krishnagiri District.  
(Crime No.41 of 2020)

Respondent

**Prayer:** Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No. 41 of 2020 on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammed Riyaz  
Additional Public Prosecutor

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**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 & 506(ii) IPC in Crime No.41 of 2020 on the file of the respondent police, seeks anticipatory

2. The case of the prosecution is that there was a wordy quarrel between the accused persons and the injured and it is alleged that the injured was assaulted and he was admitted in the hospital.

3. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there are two accused persons in this case and the petitioner is ranked as A1. The learned counsel further submitted that A2 was arrested and he was later enlarged on bail. The learned counsel further submitted that the injured has already been discharged from the hospital and there are no previous cases against the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Hosur, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to appear before the respondent police, as and when required.

[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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Speaking Order/Non-Speaking Order

Index : Yes/No

Internet : Yes/No

ssr

**N. ANAND VENKATESH, J.**

SSR

To

1. The Judicial Magistrate-II, Hosur.
2. The Inspector of Police,  
Royakottai Police Station,  
Krishnagiri District.
3. The Additional Public Prosecutor,  
High Court Madras.



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