

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14858 of 2020

Sudakaran

...Petitioner

Vs.

The State Rep by  
The Inspector of Police  
Molasi Police Station  
Namakkal District.  
(Cr.No.10 of 2010)

... Respondent in both Crl.O.Ps

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime No.10 of 2020 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

**(The case has been heard through video conference)**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 294 (b), 323, 324 and 506(ii) of IPC**, in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner assaulted the defacto complainant with knife and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that earlier the petitioner was granted Anticipatory Bail by this Court in Crl.O.P.No.5730 of 2020 dated 17.03.2020. Before executing the sureties the Courts were closed

due to Covid-19. Therefore, the petitioner was unable to furnish the sureties and therefore earlier order was lapsed. Hence, he filed this second petition.

4. The learned Additional Public Prosecutor would submit that on earlier occasion, the defacto complainant administered poison to the dog of the petitioner. Hence, the petitioner attacked the complainant with Soori knife and caused injuries. He would further submit that the victim has been discharged from the hospital and there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into Consideration the facts and circumstances of the case and the fact that the victim has been discharged from the hospital, this Court deems it appropriate to grant anticipatory bail to the petitioner subject to the following conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **within a period of fifteen days from the date of commencement of the Court's normal functioning**, before the **learned Judicial Magistrate, Thiruchengode**, 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 Magistrate 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 daily at 10.30 a.m., and 5.30. p.m., until further orders.**

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

-sd/-  
23/09/2020

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,  
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
MOLASI POLICE STATION,  
NAMAKKAL DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of  
necessary charges SR.NO.6393

CRL OP.14858/2020

Date :23/09/2020

TA-01/10/2020

सत्यमेव जयते

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