

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3937 of 2021

SANTHANA AJIS @ AJIS

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO. 164/2020.

For Petitioner : M/S. DEEPAN UDAY Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.164 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the defacto complainant and the petitioner. Due to which the petitioner had assaulted the defacto complainant's son with wooden logs and hands. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner was earlier granted anticipatory bail by this Court in CrI.O.P.No.5902 of 2020 dated 16.03.2020 with a condition to execute sureties. Due to Covid-19 the petitioner was not able to execute sureties within the stipulated time and he has filed CrI.M.P.No.7348 of 2020 for extension of time and the same was dismissed on 16.12.2020. Hence, he has filed the present application seeking anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the the petitioners deliberately avoided to comply with the condition and seeking further time to execute sureties and filed this anticipatory bail application. Hence, he opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also of the fact that the occurrence has taken place only due to wordy quarrel and it is seen from records that earlier the petitioner was granted

anticipatory bail by this Court in CrI.O.P.No.5902 of 2020 dated 16.03.2020 with a condition to execute sureties and only due to Covid-19 the petitioner was not able to execute sureties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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, Sulur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 this 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 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 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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
18/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

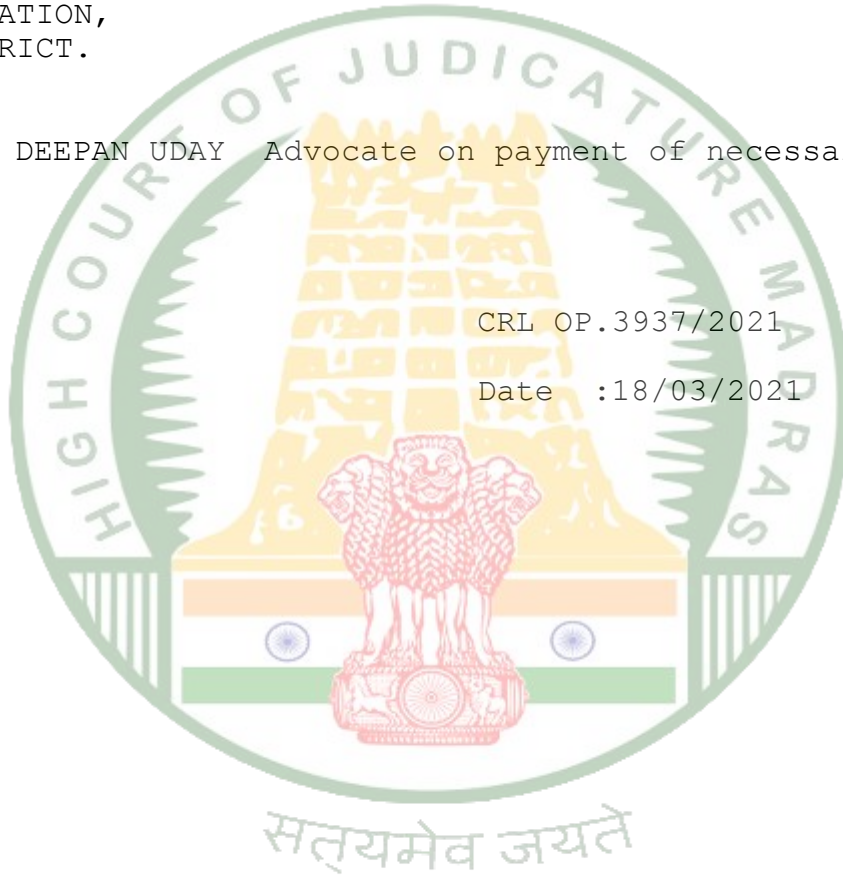
4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.3937/2021

Date :18/03/2021

MN-15/04/2021



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