

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.1287 of 2021

KAMALAKANNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO. 3064 OF 2020

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.M.THIYAGARAJAN 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 case has been heard through video conference)

The petitioner/A1, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.3064 of 2020 for the alleged offence punishable under Sections 294(b), 323, 324, 341 and 506(ii) of IPC , seeks anticipatory bail.

2. The petitioner has been arrayed as A1. The de facto complainant is stated to be an Advocate by profession. There is a matrimonial proceedings pending between A2 and his wife before the Sub Court, Gingee. The allegation is that A2 threatened the de facto complainant not to appear in the matrimonial proceedings as Advocate on behalf of his wife and on the date of occurrence, when the de facto complainant was proceeding to the court, the petitioner (A1) along with his friend A2, restrained the de facto complainant wrongfully and attacked and also criminally intimidated him.

3. The learned counsel for the petitioner would submit that motive is against A2 and he only assaulted the de facto complainant.

The petitioner has nothing to do with the alleged offence and he has

been falsely implicated. He would further submit that A2 had already been released on bail.

4. The learned Additional Public Prosecutor would on the other hand submit that both the petitioner and A2 assaulted the de facto complainant and caused injuries. He would however submit that the injuries caused were simple in nature and A2 had already been released on bail.

5. The motive is attributed as against A2. A2, who was already arrested and remanded to judicial custody, had been released on bail. The petitioner had not caused any injury to the de facto complainant and there is no antecedents reported against the petitioner. Considering above and the other the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 receipt of a copy of this order, before the learned Judicial Magistrate, Gingee, on his executing 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:

[b] 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.

[c] the petitioner shall report before the respondent police as and when required by the police 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].

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/03/2021

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,
GINGEE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

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

CRL OP.1287/2021

Date : 04/03/2021

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