

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3409 of 2021

SEKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.71 OF 2021.

[RESPONDENT]

For Petitioner : M/S. G.THAMIZHAZHAGAN Advocate

For Respondent : MR.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 apprehend arrest for the alleged offences under Sections 147,148,307,324 of I.P.C, in Crime No.71 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 7 accused in this case and the petitioner herein is A3. The allegation is that the petitioner and the defacto complainant are politicians and there was some inter party dispute between them. Due to which the petitioner attacked the defacto complainant with knife and caused injuries. Hence, the crime was registered.

3.The learned counsel for the petitioner would submit that due to political rivalry between the petitioner and the defacto complainant the petitioner had been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit the petitioner attacked the defacto complainant with knife and caused injuries to him. He would further submit that the injured discharged from the hospital and some of the co-accused were already arrested and enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the fact that there was a political dispute between the parties and the injured discharged from the hospital and some of the co-accused were already arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed 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 Judicial Magistrate, Cheyyar 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 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.

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

-sd/-

08/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

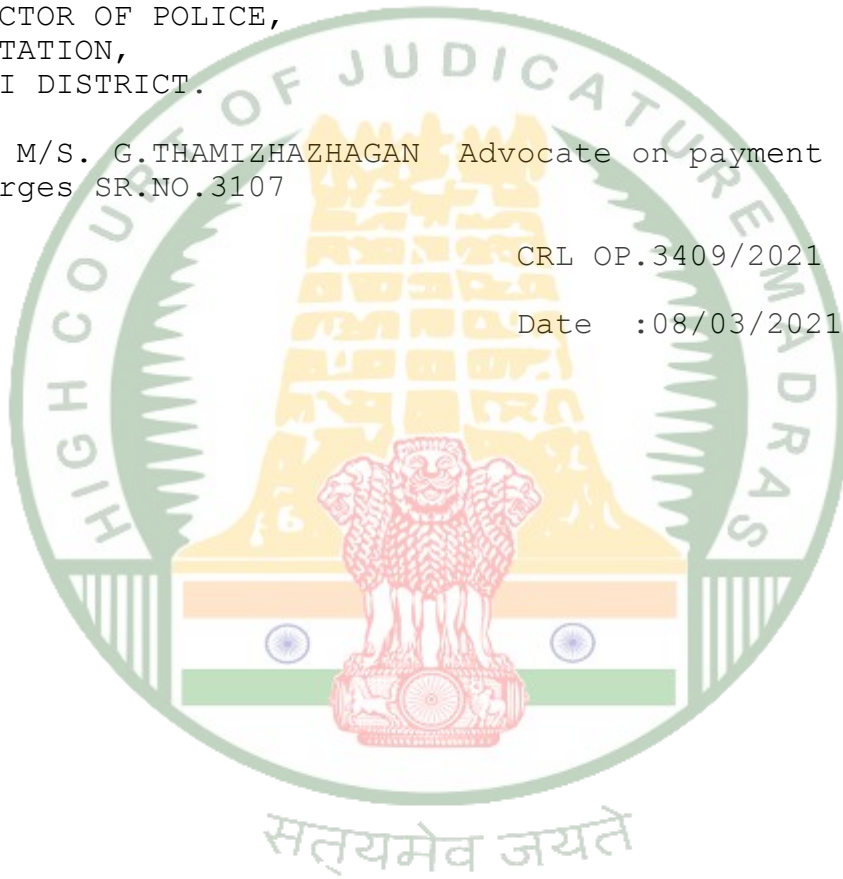
4 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. G.THAMIZHAZHAGAN Advocate on payment of
necessary charges SR.NO.3107

CRL OP.3409/2021

Date :08/03/2021

TA-16/03/2021



WEB COPY