

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3413 of 2021

1 V.ANBALAGAN [PETITIONERS / ACCUSED]
2 A.AJITH KUMAR

Vs

STATE REP.BY [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.39 OF 2021.

For Petitioner : M/S. A.M.KRISHNAMOORTHY 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 petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324 and 307 of Indian Penal Code 1860, in Crime No.39 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioners herein are A3 and A4. It is alleged the petitioners and the defacto complainant are relatives and there was a civil dispute pending between them. Due to which the petitioners have abused the defacto complainant and attacked him with knife and thereby he sustained injuries. Hence the complaint.

3. Heard the learned counsel for the petitioners.

4. The learned Additional public prosecutor would submit that there was a civil dispute pending between the petitioners and the defacto complainant and the petitioners have attacked the defacto complainant with knife. He would further submit that the injured discharged from the hospital and A1 and A2 were arrested and enlarged on bail. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured discharged from the hospital and A1 and A2 were arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, the petitioners are directed 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 Judicial Magistrate No II, Thiruvannamalai 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 petitioners 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 petitioners 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 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/-
05/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

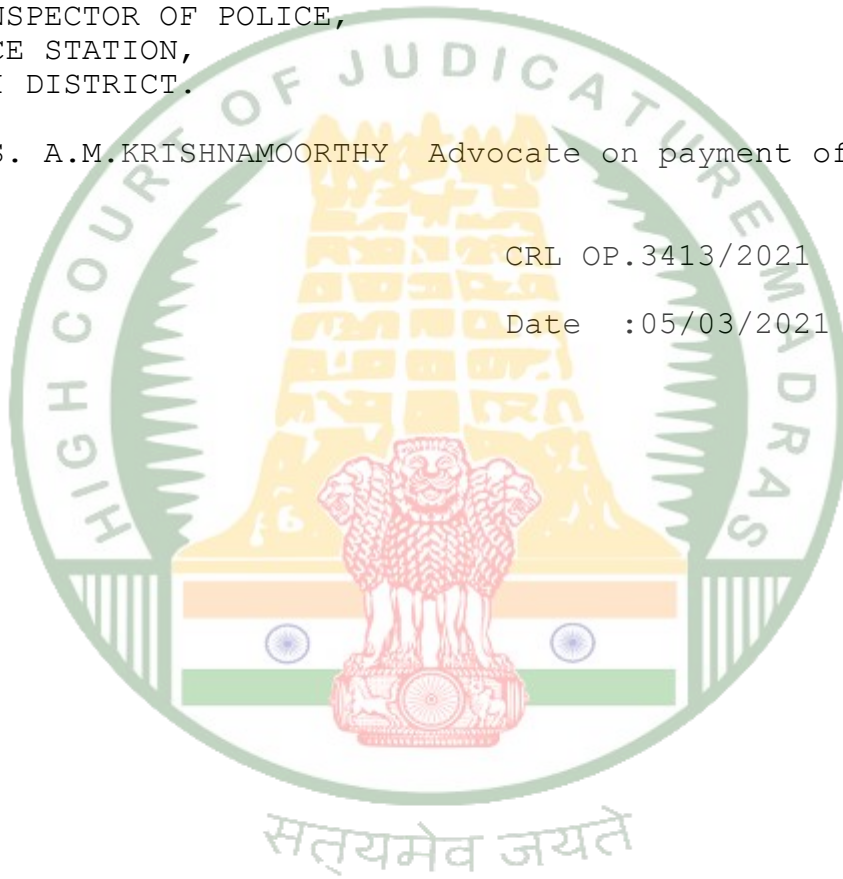
4 THE SUB-INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.3413/2021

Date :05/03/2021

TA-15/03/2021



WEB COPY