



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3986 of 2021

1 KAMATCHI
2 TAMILARASAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.1863/2020.

[RESPONDENT]

For Petitioner : M/S. R.BALAKRISHNAN 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of I.P.C in Crime No.1863 of 2020, seek anticipatory bail.

2. Totally there are five accused in this case and the petitioners herein are A5 and A2. The allegation is that due to family dispute the petitioners said to have abused the defacto complainant and attacked him with knife. Due to which the defacto complainant sustained injuries on his leg and admitted in the hospital. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner.

4. The learned Additional Public Prosecutor would submit that as the petitioners attacked the defacto complainant with knife and caused injuries on his leg. He would further submit that the co-accused A1,A3 and A4 were arrested and released on bail and the injured also discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.



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5. Consideration of the facts and circumstances of the case and also the fact that A1, A3 and A4 were arrested and released on bail and the injured also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

a) 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 is made ready before **the Judicial Magistrate - II, Thiruvannamalai** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

[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/-

03/03/2021

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.



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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,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. R.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.2683

CRL OP.3986/2021

Date :03/03/2021

TA-05/03/2021