

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4198 of 2021

LAKSHMANAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

THE INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.126 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.P.MEENAKSHI SUNDHARAM 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 for the alleged offences under Sections 294(b), 342, 307 and 506(ii) of I.P.C in Crime No.126 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioner herein is A3. It is alleged that due to previous enmity the petitioner along with other accused persons said to have abused and assaulted the defacto complainant with knife and caused injuries to him. Hence, the case came to the registered.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned additional public prosecutor vehemently opposed the anticipatory bail application stating that the petitioner along with other accused persons assaulted the defacto complainant with knife and caused serious injuries to him. He would further submit that all the other accused persons were arrested and released on bail and the injured also discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that only due to wordy quarrel the occurrence has taken place and the injured also discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 learned Judicial Magistrate No.IV, Tirupur 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 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 229A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
11/03/2021

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 NO.IV,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges SR NO.3230

CRL OP.4198/2021

सत्यमेव जयते Date :11/03/2021

MK:19/03/2021

WEB COPY