

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.4286 of 2021

V.ELUMALAI

[PETITIONER/ACCUSED]

vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.
CRIME.NO.147 OF 2021.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.V.JAI HARI SUDHAN 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, who apprehends arrest in connection with the case in Crime No.147 of 2021 on the file of the respondent police for the alleged offence punishable under Section 294(b), 323 and 384 of IPC, is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. According to the prosecution, the petitioner was a local cable TV operator and he had transferred his business to the de facto complainant with certain conditions. The de facto complainant violated the conditions and when it was questioned by the petitioner, there arose dispute between them in which the petitioner attacked the de facto complainant. Hence, case has been registered on a complaint from

the de facto complainant.

4. The learned counsel for the petitioner would submit that the petitioner is innocent of the alleged offence and he has been falsely implicated in the case due to business rivalry.

5. The learned Additional Public Prosecutor would storngly oppose the petition stating that there was a dispute between the petitioner and the de facto complainant in running the cable TV business in the area. He would, however, submit that no one sustained injury.

5. Considering the facts and circumstances of the case and also the fact that no injury is said to have been caused by the petitioner, 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 District Munsif cum Judicial Magistrate, Omalulr, Salem District, on executing 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, 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 himself /Trial Court 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
OMALUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.V.JAI HARI SUDHAN Advocate on payment of necessary charges SR.NO.3247.

CRL OP.4286/2021

Date :04/03/2021

EP-16/03/2021

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