

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4832 of 2021

KISHORE

[PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE
M-1, MADHAVARAM POLICE STATION,
CHENNAI.
CR.NO.51 OF 2021

For Petitioner : M/S.E.GOPALA KRISHNAN 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 petitioner is Al. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 323, 324 and 506(ii) of IPC on the file of the respondent police in Crime No.51 of 2021, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are friends. On 26.02.2021, the defacto complainant went to a tea shop and there arose a wordy quarrel between the defacto complainant and the petitioner and the petitioner along with other co-accused abused the defacto complainant in filthy language and assaulted him. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel between friends and the accused abused the defacto complainant in filthy language and attacked him with tools and caused injury. The injured was discharged from the hospital.

5. Considering the facts and circumstances of the case, and the fact that it is only a wordy quarrel between friends and the injured was discharged from the hospital, 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 Judicial cum Principal District Munsif, Madhavaram, on condition that the petitioner 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 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 appear before the respondent as and when required 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/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.

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6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/03/2021

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 CUM PRINCIPAL
DISTRICT MUNSIF, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-1, MADHAVARAM POLICE STATION,
CHENNAI.

+1 CC to M/S.E.GOPALA KRISHNAN Advocate on payment of necessary charges SR.No.3125

सत्यमेव जयते

CRL OP.4832/2021

cs 15/03/2021

Date :10/03/2021

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