

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4880 of 2021

BALAKRISHNAN RAJAGOPAL

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
P6, KODUNGAIYUR POLICE STATION,
CHENNAI - 600 118.
CRIME NO.226 OF 2021

For Petitioner : M/S.B.ARCHANA 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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) of IPC R/w Section 4 of TNPHW Act, in Crime No.226 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working in the Park belongs to the Chennai Corporation, the petitioner's grand son is said to have driven the cycle in the park, at that time, the defacto complainant had stopped the cycle, as a result of which, there was a wordy quarrel between the petitioner and the defacto complainant, pursuant to which, the petitioner abused with filthy language and also assaulted the defacto complainant and thereby the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that co-accused have already been arrested and they were released on bail. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioner had assaulted the defacto complainant, due to which, the defacto complainant sustained injuries. He would further submit that co-accused have been arrested and they were released on bail. He would further submit that the injured person has been discharged from the hospital and there is no previous case pending as against these petitioners.

5. Considering the facts and circumstances of the case and that there is no previous case pending as against these petitioner and co-accused have been released on bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered 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, Egmore, on condition that the petitioners shall execute a separate 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 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.

[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 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.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
15/03/2021

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,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P6, KODUNGAIYUR POLICE STATION,
CHENNAI - 600 118.

+1CC to M/S.B.ARCHANA Advocate on payment of necessary charges SR NO.3363

CRL OP.4880/2021

सत्यमेव जयते Date :15/03/2021

MK:24/03/2021

WEB COPY