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IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED: 22..07..2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.12028 of 2021

Rajiv

... Petitioner

-Versus-

State Rep. by its

... Respondent

The Inspector of Police,
Thiruthuraipoondi,
Thiruvarur District.
[Crime No.2712 of 2020]

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure praying to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.2712 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Subash

For Respondent : Mr.P.Pratap,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.2712 of 2020, on the file of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(2) of IPC subsequently alter into Sections 147, 148, 294(b), 323, 324, 427, 506(2) and 307 of IPC, seeks anticipatory bail.

2. There are totally five accused involved in this case in which the petitioner has been arrayed as A4. The case of prosecution is that the petitioner along with other accused went to a hotel, which was run by the de facto complainant, for dinner, and there occurred a wordy quarrel between the petitioner and his friends. When it was questioned by the petitioner, all the accused persons scolded him in a filthy language, attacked him and caused injuries and also criminally intimidated him. Insofar as this petitioner is concerned, he is said to have attacked the de facto complainant with wooden log.



3. The learned counsel for the petitioner submitted that the petition is innocent of the alleged offence and he has been falsely implicated and the petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail. According to the learned counsel, A1 to A3 had been released on anticipatory bail by this court as early as on 09.12.2020, but, it was not brought to the notice of this court at the time of dismissal of the earlier bail petition.

4. The learned Additional Government Pleader submitted while strongly opposing the petition for anticipatory bail, fairly admitted that A1 to A3 have been granted anticipatory bail by order dated 09.12.2020 made in CrI.O.P.No.7894 of 2020.

5. This is second petition for anticipatory bail. Considering submissions made on either side and also on considering the fact that A1 to A3 had already been granted anticipatory bail and all other facts and circumstances of the case, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur District, on his 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 daily at 10.30 a.m. for a period of two weeks as and thereafter 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 had been 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/-
22/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SUBASH Advocate on payment of necessary charges

CRL OP.12028/2021

Date :22/07/2021

INBA 26/07/2021



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