

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.5078 of 2021

VENKATESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
POLLACHI EAST POLICE STATION,
POLLACHI, COIMBATORE DISTRICT
(CR.NO.77/2021)

[RESPONDENT]

For Petitioner : M/S.D.SELVARAJU 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, who apprehends arrest for the alleged offences under Sections 294(b), 323 and 506(i) of I.P.C in Crime No.77 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity there was a wordy quarrel between the petitioner and the defacto complainant. Due to which the petitioner had abused the defacto complainant and assaulted with knife. Hence the complaint.

3. Heard the learned counsel for the petitioner would submit that the defacto complainant attacked the petitioner and he has lodged a false complaint against the petitioner. He would further submit that the petitioner had also lodged a complaint against the defacto complainant in Crime No.76 of 2021. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional public prosecutor would submit that the petitioner had abused the defacto complainant with filthy language and assaulted with knife and thereby caused injuries to the defacto complainant. He would further submit that the petitioner had also filed a complaint against the defacto complainant in Crime No.76 of 2021 on the file of the respondent police. He would further submit that injured discharged from the hospital.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No. I, Pollachi, Coimbatore District condition that the petitioners shall execute 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

With the above directions this Criminal Original petition is ordered.

-sd/-
18/03/2021

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.I, POLLACHI, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI EAST POLICE STATION,
POLLACHI, COIMBATORE DISTRICT

CC to M/S.D.SELVARAJU Advocate on payment of necessary charges
SR.NO. 3637

CRL OP.5078/2021

Date :18/03/2021

rvr 30/03/2021

WEB COPY