IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6080 of 2021

K.SARAVANAN [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
D1 CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT-603 002.
CR.NO.84/2021.

For Petitioner : M/S.T.N.DHANASEKARAN Advocate

For Respondent : M/S P.KARITIKA KAMAL, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 506(ii), 307 of IPC in Crime No.84 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to a property dispute between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused persons had abused the defacto complainant with filthy language and attacked with knife on his hands and caused injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons had abused the defacto complainant with filthy language and attacked with knife on his hands and caused injuries. She further submits that the injured person has been discharged from the hospital. However, she vehemently opposed for grant of anticipatory bail to the petitioner.

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5.Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Magistrate No.II, Chengalpattu, on condition that the petitioner shall execute a 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 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 Court concerned 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for the 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
15/04/2021

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.

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TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 INSPECTOR OF POLICE,
D1 CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT-603 002.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.N.DHANASEKARAN Advocate on payment of necessary charges

CRL OP.6080/2021

Date :15/04/2021

RVR 29/04/2021

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