

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5722 of 2021

THANGARAJ

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
AVINASHI POLICE STATION,  
THIRUPPUR DISTRICT  
(CR.NO.103/2021)

For Petitioner : M/S.S.PRASATH 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 case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 323, 324, 506(ii) of IPC, in Crime No.103 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of A1 and that there is a civil dispute between the parties. On the date of occurrence, a wordy quarrel arose between the parties, due to which, the petitioner along with other accused have assaulted the defacto complainant.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has given a complaint before the respondent police in Crime No.104 of 2021 against the defacto complainant and it is a case in counter. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is a case in counter case in Crime No.104 of 2021 before the respondent police. He further submitted that there are no previous cases pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there is a case in counter and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate, Avinashi, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
24/03/2021

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,  
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
AVINASHI POLICE STATION,  
THIRUPPUR DISTRICT.

+2 CC to M/S.S.PRASATH Advocate on payment of necessary charges  
SR.No.3977

सत्यमेव जयते

CRL OP.5722/2021

Date :24/03/2021

cs 30/03/2021

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