

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.5753 of 2021

AJITH @ GUNASEKAR MOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.
(CR.NO.264/2019)

For Petitioner : M/S.C.D.RAJESHKUMAR 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 apprehend arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 341, 294(B), 324, 506(II) & 379 of IPC, in Crime No.264 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a previous dispute between the petitioner and the defacto complainant while playing volley ball in the petitioner's village. Due to the same on the date of occurrence, the petitioner along with other accused assaulted the defacto complainant and abused them with filthy language.

3.The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A6 and due to a previous quarrel in a volley ball Tournaments, the petitioner along with other accused assaulted the defacto complainant, abused them. He further submitted that A1 and A2 have been arrested and released on bail.

5. Considering the facts and circumstances of the case and that A1 and A2 have been arrested and released on bail, and that the occurrence had taken place in March 2019, 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 cum Magistrate, Gummidipoondi, Thiruvallur District, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 CUM MAGISTRATE
GUMMIDIPOONDI,
THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.C.D.RAJESHKUMAR Advocate on payment of necessary charges SR.No.4010

CRL OP.5753/2021

Date :24/03/2021

cs 31/03/2021