

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5836 of 2021

SATHISH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.
CRIME NO.107 OF 2021.

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.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 307 of I.P.C and in Crime No.107 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The petitioner is the sole accused in this case. The allegation is that the petitioner said to have borrowed money from the defacto complainant and when the wife of the defacto complainant demanded the money the petitioner said to have attacked her and caused grievous injuries to her. Hence the complaint.

3. The learned counsel for the petitioner would submit that there was some money dispute between the petitioner and the defacto complainant, but the petitioner did not assault the wife of the defacto complainant. He would further submit that a false case has been foisted against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional public prosecutor would submit that due to a money dispute the petitioner attacked the wife of the defacto complainant and caused grievous injuries to her and the injured discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that there was a money dispute between the petitioner and the defacto complainant and the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail in their event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Vellore 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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
31/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.4358

CRL OP.5836/2021

Date :31/03/2021

TA-09/04/2021



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