

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5918 of 2021

MURALI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
E-9, THAZAMBUR POLICE STATION,
CHENGALPET TALUK AND DISTRICT.
REF.CR.NO.51/2021 DATED 03.03.2021.

For Petitioner : M/S.C.ARUNKUMAR 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, 326, 336, 506(ii) of I.P.C, in Crime No.51 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the when the defacto complainant and his wife were proceeding in a two wheeler the petitioner said to have waylaid them and attacked the defacto complainant and caused serious injuries to him. Hence the complaint.

3. The learned counsel for the petitioner would submit that there was a wordy quarrel between the parties and the defacto complainant only attacked the petitioner and caused injuries to him. He would further submit that in order to escape from the police the defacto complainant has given a false complainant against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional public prosecutor would submit that the petitioner waylaid the defacto complainant and attacked him. He would further submit there is a wordy quarrel the petitioner attacked the defacto complainant, and the injured discharged from the hospital. He

would further submit that this Court had already granted anticipatory bail to the co-accused in CrI.O.P.No.5126 of 2021 dated 18.03.2021. However, 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 only due to wordy quarrel the occurrence has taken place and the injured discharged from the hospital and the co-accused has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with some conditions.

6. 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 I, Chengalpattu on condition that the petitioners 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/-
25/03/2021

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, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-9, THAZAMBUR POLICE STATION,
CHENGALPET TALUK AND DISTRICT.

+1 CC to M/S.C.ARUNKUMAR Advocate on payment of necessary charges
SR.No.4019

सत्यमेव जयते

CRL OP.5918/2021

cs 08/04/2021

Date :25/03/2021

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