

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6333 of 2021

DHANAPALAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO. 199 OF 2021.

For Petitioner : M/S. C.RAMKUMAR 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 in connection with the case in Crime No. 199 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 324 and 506(ii) of IPC, seeks anticipatory bail.

2. The allegation is that the when the de facto complainant was riding on his motor cycle, another two wheeler dashed against his motor cycle in which the motor cycle of the de facto complainant got damaged. When the petitioner attempted to intervene in the guise of mediation, there arose wordy quarrel and subsequently, the petitioner along with the other accused attacked the de facto complainant and caused injuries to the de facto complainant.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of alleged offence and he has been falsely implicated. A simple road rage brawl has been given the colour of criminal offence. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor opposed the petition stating that investigation is pending. He however submitted that the injured had been discharged from the hospital.

5. Considering the nature of the allegations and the other facts and circumstances of the case and also on considering the fact that injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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, Mettupalayam, Coimbatore District, on executing 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their 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.

[c] the petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

-sd/-
30/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
METTUPALAYAM, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

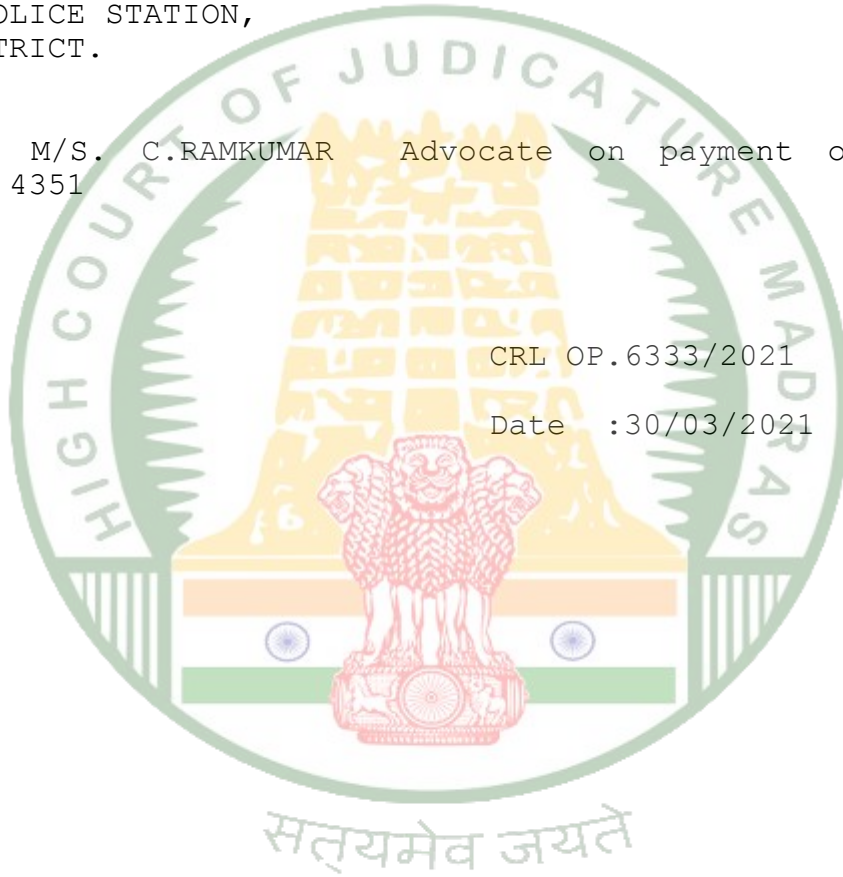
4 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. C.RAMKUMAR Advocate on payment of necessary
charges SR NO. 4351

CRL OP.6333/2021

Date :30/03/2021

MN-08/04/2021



WEB COPY