

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.6383 of 2021

VIJAYABALAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.
CRIME NO.125/2021.

For Petitioner : M/S.C.SIVASUBRAMANIAM 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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) of I.P.C, in Crime No.125 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 and the defacto complainant belong to two different political parties and there was some wordy quarrel between them and the petitioner attacked the defacto complainant and caused injuries to him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the defacto complainant also attacked the petitioner and the petitioner have also filed a complaint against the defacto complainant in Cr.No.124 of 2021, as a counter blast the present complaint had been lodged against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned additional public prosecutor appearing for the respondent would submit that the petitioner attacked the defacto complainant and caused injuries to him. He would further submit that the injured 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 the fact that the petitioner had also filed a complaint against the defacto complainant in Crime No.124 of 2021 on the file of the respondent police and as a counter blast the present complaint has been lodged against the petitioner and the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6.Accordingly, the petitioner are ordered to be released on bail in the 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 Judicial Magistrate, Perundurai, Erode District 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 daily as and when required 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/Trial Court himself 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 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PERUNDURAI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

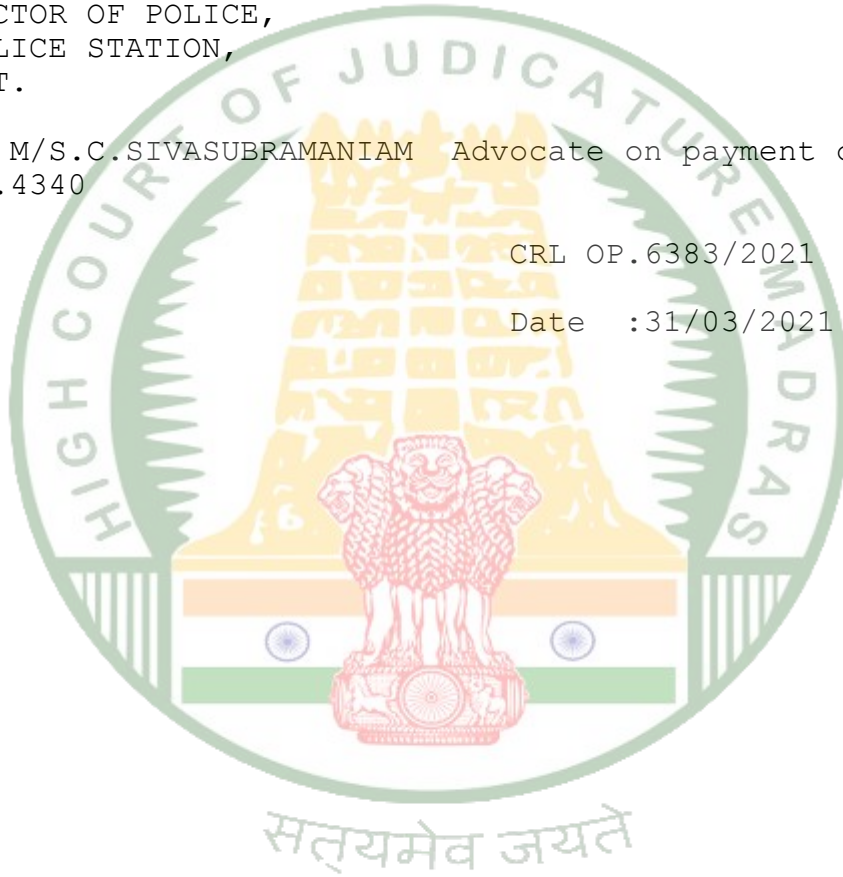
4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.C.SIVASUBRAMANIAM Advocate on payment of necessary
charges SR.NO.4340

CRL OP.6383/2021

Date :31/03/2021

TA-19/04/2021



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