

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6491 of 2021

M.SATHISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.153/2021

For Petitioner : M/S C.MOHANRAJ Advocate

For Respondent : MR.K.PRABAKAR 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 at the hands of the respondent police for the offences punishable under Sections 294(b), 323,325 and 506(ii) of IPC, in Crime No.153 of 2021, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to family dispute, a wordy quarrel arose between the petitioner and the defacto complainant's family. Thereafter, the petitioner abused and attacked the defacto complainant and his relatives. Thereby, the defacto complainant has sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that he is an innocent person 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 appearing for the respondent submits that due to family dispute, the petitioner abused the defacto complainant and attacked him. Due to which, he sustained injuries and admitted in the hospital. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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, Paramathi, Namakkal 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 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 and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 at 10.30 a.m. For a period of two weeks and thereafter, 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/04/2021

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,
PARAMATHI, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S C.MOHANRAJ Advocate on payment of necessary charges
SR.NO.4657

CRL OP.6491/2021

Date :09/04/2021

rvr 17/04/2021



WEB COPY