

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.6385 of 2021

VASUDEVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KATTUR POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.240/2021

For Petitioner : M/S E.IYAPPAN 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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 341 and 379 (NP) of I.P.C, in Crime No.240 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Totally there are two accused in this case and the petitioner herein is A2. It is alleged that there was some money dispute between the petitioner and the defacto complainant and when the defacto complainant was proceeding in his car, the petitioner said to have waylaid him and entered into the defacto complainant's car and pushed him from the car and stolen the car. Hence the complaint.

3. The learned counsel for the petitioner would submit that only due to money dispute between the petitioner and the defacto complainant a false complaint has 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 there was some money dispute between the petitioner and the defacto complainant. Due to which the petitioner attacked the defacto complainant and caused injuries to him and he has also also stolen the car of the defacto complainant. 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 only due to the money dispute between the parties, the occurrence said to have taken place and the injured also 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-2, Coimbatore 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.

[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

TO

1 THE JUDICIAL MAGISTRATE NO.2,
COIMBATORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

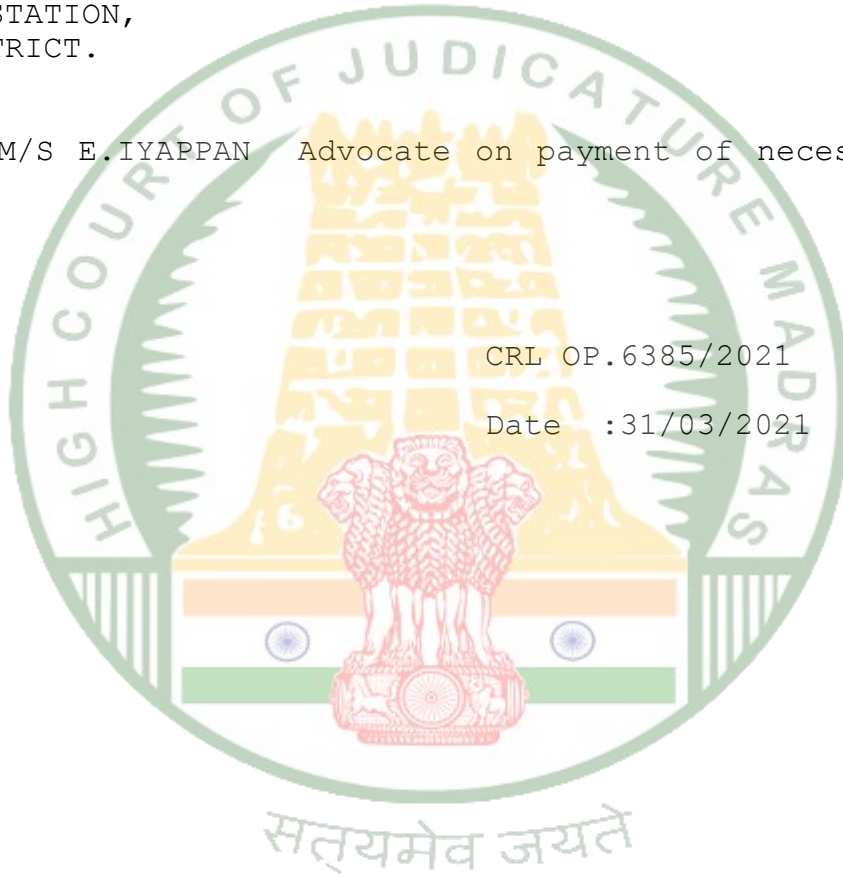
4 THE INSPECTOR OF POLICE,
KATTUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S E.IYAPPAN Advocate on payment of necessary charges
SR NO. 4537

CRL OP.6385/2021

Date :31/03/2021

MN-15/04/2021



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