

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6839 of 2021

1 SRIDHAR [PETITIONERS / ACCUSED]
2 A.PALANI

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT.
CR.NO.70 OF 2021.

For Petitioner : M/S.M.HARIBABU Advocate

For Respondent : M/S.KRITIKA KAMAL P. Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323, 324 and 506(ii) of IPC in Crime No.70 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Heard both sides. सत्यमेव जयते

3. The case of the prosecution is that, due to previous enmity between the defacto complainant and the petitioner, the petitioners waylaid the defacto complainant and attacked him with knife, thereby sustained serious injuries. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners did not commit any mistake as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioners waylaid the defacto complainant and attacked him with knife. The defacto complainant was admitted in the hospital and thereafter discharged. She further stated that, no previous case is pending as against the 2nd petitioner and the 1st petitioner has six previous cases pending

against him. Hence, she vehemently opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl. side) that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Arakkonam, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 1st petitioner shall stay at Villupuram and report before the Villupuram Town Police station daily at 10.30 a.m. until further orders;

the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

15/04/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT.

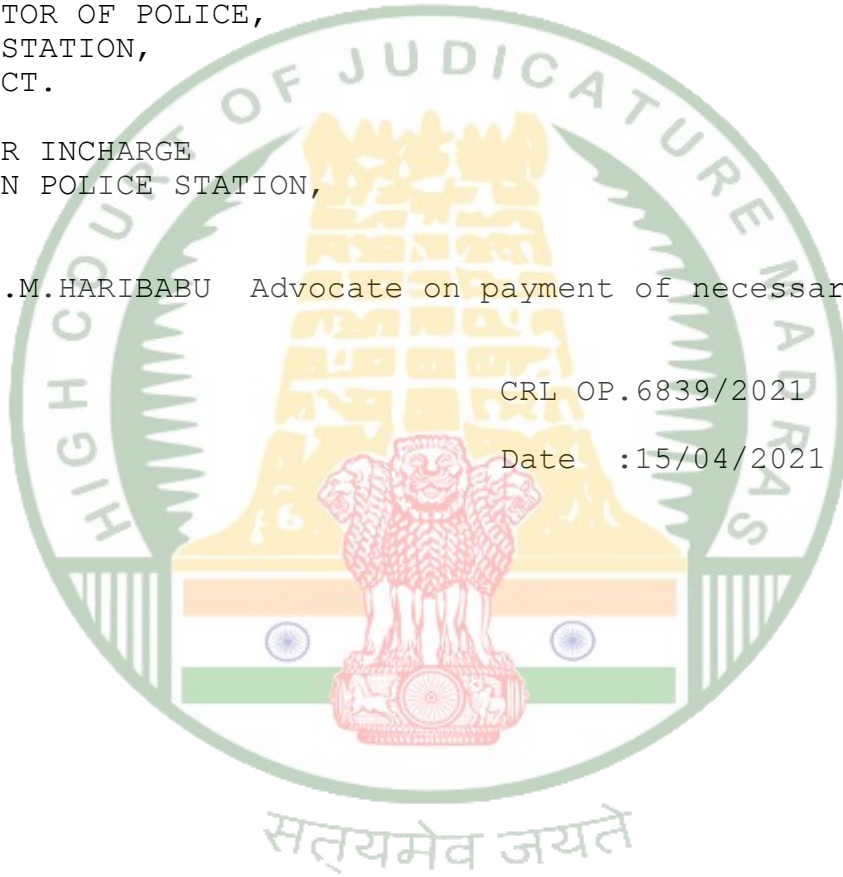
5 THE OFFICER INCHARGE
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

CC to M/S.M.HARIBABU Advocate on payment of necessary charges

CRL OP.6839/2021

Date :15/04/2021

TA-11/05/2021



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