

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6966 of 2021

SENTHIL KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
COIMBATORE CITY,
COIMBATORE DISTRICT.
CRIME NO.205 OF 2021.

For Petitioner : M/S. P.R.KRISHNARAJ Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

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 alleged offence under Sections 294(b), 324, 506(2) of IPC and R/W u/s 4 of TN Prohibition of Harassment of Women Act 2002, in Crime No.205 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant, as a result of which, there was a wordy quarrel, the petitioner and his family members had attacked the defacto complainant and caused injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that earlier the petitioner has given a complaint before the respondent police in Crime No.204 of 2021 against the defacto complainant and it is a case in counter. He would further submit that the petitioner has vacated the premises and he will not disturb the defacto complainant in future. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that there is a case in counter in Crime Nos.204 & 205 of 2021 have been registered by the respondent police. He further submitted that there are no previous case pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he vehemently opposed grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that it is a case in counter and the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.V, 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 and on further condition that:

(a) the petitioner and 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/-
19/04/2021

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 NO.V,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
COIMBATORE CITY,
COIMBATORE DISTRICT.

+1CC to M/S. P.R.KRISHNARAJ Advocate on payment of necessary charges SR NO.5139

CRL OP.6966/2021

Date :19/04/2021

MK:27/04/2021

WEB COPY