

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7028 of 2021

1 P.VIKKI @ VIGNESH KUMAR
2 V.VISHNU

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP.BY
INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.118 OF 2021.

For Petitioner : M/S.S.RAJKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 306 of IPC in Cr.No.118 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the petitioners along with other accused and the deceased Poornachandran. In an inebriated condition, they attacked each other. Later, the said Poornachandran made attempt suicide and died. Based on the complaint, the Law Enforcing Agency registered a case against the petitioners and other accused.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the false case has been foisted against them.Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioners and the deceased attacked each other. Thereafter,the said Poornachandran made a attempt to suicide and died.

5. Considering the fact and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

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

-sd/-

16/04/2021

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,
DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

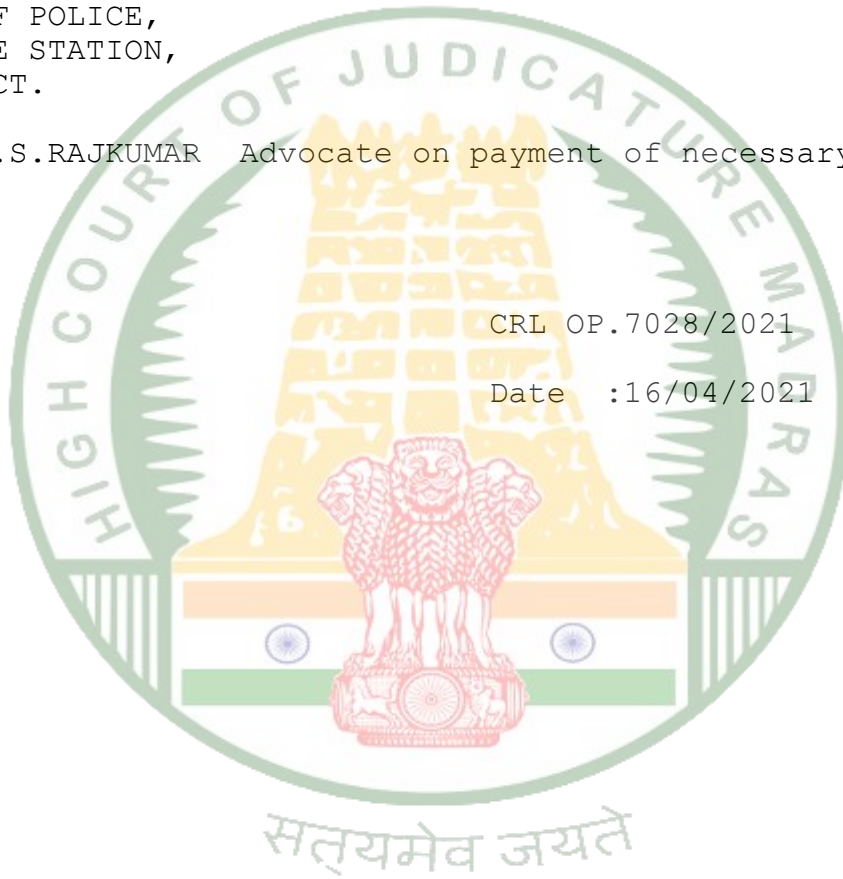
4 INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPUR DISTRICT.

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

CRL OP.7028/2021

Date :16/04/2021

RVR 06/05/2021



WEB COPY