

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7192 of 2021

SELVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.1397 OF 2020.

[RESPONDENT]

For Petitioner : M/S. M.N.BALAKRISHNAN 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC. in Crime No.1397 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.07.2020 at 12 noon, the petitioner along with other accused abused the defacto complainant with filthy language and attacked him with iron rod and also criminally intimidated him . Due to which, the defacto complainant sustained 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that on 24.07.2020 the petitioner along with other accused abused the defacto complainant with filthy language and attacked him with iron rod and also criminally intimidated him. He would further submit that the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that 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 -II, Udumalpet 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 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/-
17/04/2021

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.II,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR NO.5073

CRL OP.7192/2021

Date :17/04/2021

MK:29/04/2021