

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7673 of 2021

1 S.AJITH @ SETHUPATHI [PETITIONERS / ACCUSED]
2 S.PRAKASH

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEERAKANUR POLICE STATION,
THALAIVASAL TALUK,
SALEM DISTRICT.
CR.NO.88/2021.

For Petitioner : M/S.T.VELU Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A2 & A3 apprehending arrest at the hands of the respondent Police for the alleged offence under Section 294(b), 323, 324, 307, 506(ii) of IPC and Section 3(2) of the Public Property (Prevention of Damage & Loss) Act, in Crime No.88 of 2021, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that, due to previous enmity between the petitioners and the defacto complainant, there was a wordy quarrel between them. 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 hence he seeks for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate appearing for the State would submit that due to previous enmity there was wordy quarrel between the petitioners and the defacto complainant's family. He further submitted that there is case in counter in crime No.87 of 2021 and further submitted that no one is injured and no previous case is registered against the petitioners.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate that there is a case in counter, 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, Attur, Salem District, 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/concerned court 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., and at 5.30 p.m., for a period of four weeks and thereafter at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/04/2021

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,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAKANUR POLICE STATION,
THALAIVASAL TALUK,
SALEM DISTRICT.

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

CRL OP.7673/2021

Date :23/04/2021

TA-05/07/2021



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