

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7852 of 2021

POIYAMOZHI

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
TIRUVARUR.
CR.NO.256 OF 2021.

For Petitioner : M/S.E.RAJ THILAK Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Cr1. 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 147, 148, 294(b), 324, 427, 379,307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment Act in Cr.No.256 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused threatened the defacto complainant and attacked her with dire consequences and caused injuries. Based on the complaint lodged by the defacto complainant, the law enforcing agency registered a case against the petitioner along with other accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Due to previous enmity, the defacto complainant has lodged a false complainant against the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that in this case there are eight accused persons involved in this case and five accused were remanded in judicial custody. During election, a quarrel was arisen between two parties. due to which, the petitioners along with other accused abused the defacto complainant and attacked her and caused injuries and the victim is still in hospital and there are fourteen previous cases pending against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, 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, Mannargudi, 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:

(b) 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;

(c) 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

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

-sd/-

26/04/2021

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, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE SUB-INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
TIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.RAJ THILAK Advocate on payment of necessary charges
SR.5467

CRL OP.7852/2021

Date :26/04/2021

RVR 10/05/2021

WEB COPY