

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.7717 of 2021

PERIYASAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
KOMARALINGAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.59 OF 2021

[RESPONDENT]

For Petitioner : M/S. M.N.BALAKRISHNAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government 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 448, 323, 324, and 506(ii) of IPC. in Crime No.59 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.04.2021 at 12.00 hours, in view of business enmity, the petitioner along with three others attacked the defacto complainant with coconut stalk on hand and leg and thereby, the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Under the guise of employment, the defacto complainant joined in the petitioner's industry and then he had stolen the pattern and started doing very same business as a result of which, there was a wordy quarrel and both the parties exchanged blows. A counter case was also filed , but, the same was not entertained by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that on 12.04.2021 at 12.00 hours, in view of business rivalry, the petitioner along with three others attacked the defacto complainant with coconut stalk on hand and leg and thereby, the defacto complainant sustained injuries. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and that there is no previous case is pending against the petitioner and the further fact a counter case was filed relating to the same occurrence, which has not been registered, 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 District Munsif-Cum-Judicial Magistrate Court, Madathukulam, Tiruppur District 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/-
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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
MADATHUKULAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.No.5272

सत्यमेव जयते

CRL OP.7717/2021

Date :23/04/2021

cs 28/04/2021

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