

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7890 of 2021

1 M.MAHENDRAN [PETITIONER / ACCUSED]

2 S.DINESH

3 KANJI MANI @ MANIKANDAN

Vs

THE STATE OF TAMILNADU THROUGH [RESPONDENT]
THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.336 OF 2021.

For Petitioner : M/S.DEEPAN UDAY 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 506 (ii) of IPC in Crime No.336 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.03.2021, while the de-facto complainant on his way to home with his family, the petitioners in an inebriated condition abused the de-facto complainant in filthy language and assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of RS.25,000/- to the Medical Officer/Dean, Government Hospital,

Namakkal, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. Considering the fact that the petitioners are ready to deposit a sum of Rs.25,000/- to the Medical Officer/Dean, Government Hospital, Namakkal, for the purpose of treating the COVID-19 patients, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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, Paramathi, Namakkal District**, on condition that the petitioners shall execute 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft drawn in favour of the Medical Officer/Dean, Government Hospital, Namakkal, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b) 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;

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

(e) the petitioners 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 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;

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

-sd/-
27/04/2021

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,
PARAMATHI, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104.

5 THE MEDICAL OFFICER/ DEAN,
GOVERNMENT HOSPITAL, NAMAKKAL.

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

WEB COPY CRL OP.7890/2021
Date :27/04/2021

RG.04.05.2021