

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7959 of 2021

1 KUMARESAN

[PETITIONER / ACCUSED]

2 MOHANKUMAR @ MOHAN

vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

REF.CR.NO.91/2021 DATED 11.04.2021

For Petitioner : M/S. V.VIJAYAKUMAR 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/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 332, 294(b), 323, 392, 506(i) of IPC in Crime No.91 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners prevented the defacto complainant, who is an Inspector of Police from doing his public duty and attacked him with hands and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent villagers and they did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners are A2 and A3 in this case. The petitioners and other accused persons prevented the

defacto complainant from doing his duty and attacked him and caused injuries. He further submitted that the injured has been discharged from the hospital. He further submitted that 1st petitioner/A2 has three previous cases and no previous case as against the 2nd petitioner/A3.

5. Taking into consideration the facts and circumstances of the case and also the submission of the learned Government Advocate that the injured has been discharged from hospital and also that the 2nd petitioner has no previous case, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone.

6. Accordingly, the 2nd petitioner, viz., Mohan Kumar @ Mohan, 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, Uthangarai, on condition that the 2nd 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 2nd 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 2nd 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 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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.

7. Insofar as the 1st petitioner is concerned, he has involved in three previous cases, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this petition is dismissed insofar as the 1st petitioner is concerned and allowed insofar as the 2nd petitioner is concerned.

-sd/-

28/04/2021

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,
UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.VIJAYAKUMAR Advocate on payment of necessary charges Sr.5434

CRL OP.7959/2021

Date :28/04/2021

RVR 13/05/2021

WEB COPY