



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

Friday, the Thirtieth day of April Two Thousand Twenty One
PRESENT

WEB COPY

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.8163 of 2021

1 JOTHI [PETITIONER / ACCUSED]
2 LINGAKANNI

Vs

STATE REP. [RESPONDENT]
INSPECTOR OF POLICE,
T-13 KUNDRATHUR POLICE STATION,
KUNDRATHUR, CHENNAI-81.
CRIME NO.228 OF 2021.

For Petitioner : M/S.M.J.SENTHIL KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN
GOVERNMENT ADVOCATE (CRL. SIDE)

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

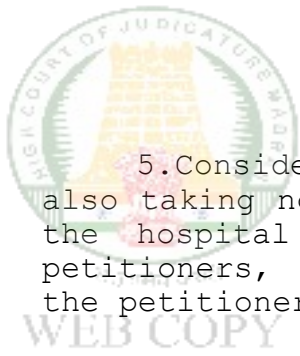
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 448 & 506(i) of IPC in Crime No.228 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. On the date of occurrence, there was a wordy quarrel between the accused persons and the de-facto complainant, as a result of which, the petitioners and another accused abused the de-facto complainant in filthy language and assaulted him with wooden log and iron bucket and thereby, he sustained injuries. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also taking note of the fact the injured has been discharged from the hospital and there is no previous case as against the petitioners, 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 District Munsif cum Judicial Magistrate, Sriperumbudur, 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 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 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.

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

(d) the petitioners 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 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;

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

-sd/-
30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-13 KUNDRATHUR POLICE STATION,
KUNDRATHUR, CHENNAI-81.

CC to M/S.M.J.SENTHIL KUMAR Advocate on payment of necessary
charges

CRL OP.8163/2021

Date :30/04/2021

MK:07/06/2021