

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8196 of 2021

KARTHI @ AUTO KARTICK

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO. 154 OF 2021.

[RESPONDENT]

For Petitioner : M/S. MA.P.THANGAVEL Advocate

For Respondent : M/S.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 for the alleged offence under Sections 294(b), 324, 506(ii) of IPC and under Section 4(1)(j) of TNP Act in Crime No.154 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that, the petitioner along with two accused persons in a drunken mood abused the defacto complainant using filthy language and attacked him with knife. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner was only standing nearby the TASMAC shop where the alleged occurrence took place and sought for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that in an inebriated mood, the petitioner along with two other accused persons abused the defacto complainant using filthy language and A1 attacked the defacto complainant with knife and caused injuries. He further submitted that the injured has been discharged from the hospital.

6.Considering the fact that the defacto complainant has been discharged from the hospital and there is also no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Avinashi, Tiruppur District, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 conditions that:

[a] if the petitioner fails to surrender before the concerned Magistrate/Court within a period of 15 days, this order shall stand automatically cancelled.

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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].

[g] 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. MA.P.THANGAVEL Advocate on payment of necessary charges

CRL OP.8196/2021

Date :30/04/2021

WEB COPY

MN-06/07/2021