

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8324 of 2021

SURESH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
UTHIYUR POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.69 OF 2021.

[RESPONDENT]

For Petitioner : M/S.KARAN AND 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 petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.69 of 2021, seeks anticipatory bail.

2. The petitioner and the *de facto* complainant are husband and wife. The case of the prosecution is that due to a wordy quarrel, the petitioner assaulted the *de facto* complainant with wooden log and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is a case in counter in Crime No.68 of 2021. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner attacked the *de facto* complainant and there is a

case in counter in Crime No.68 of 2021 and hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsels and also of the fact that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions. 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 on which the order copy made ready, before the **learned Judicial Magistrate, Kangayam, Tiruppur District**, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 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]**.

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/05/2021

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,
KANGAYAM, TIRUPPUR DISTRICT.

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

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

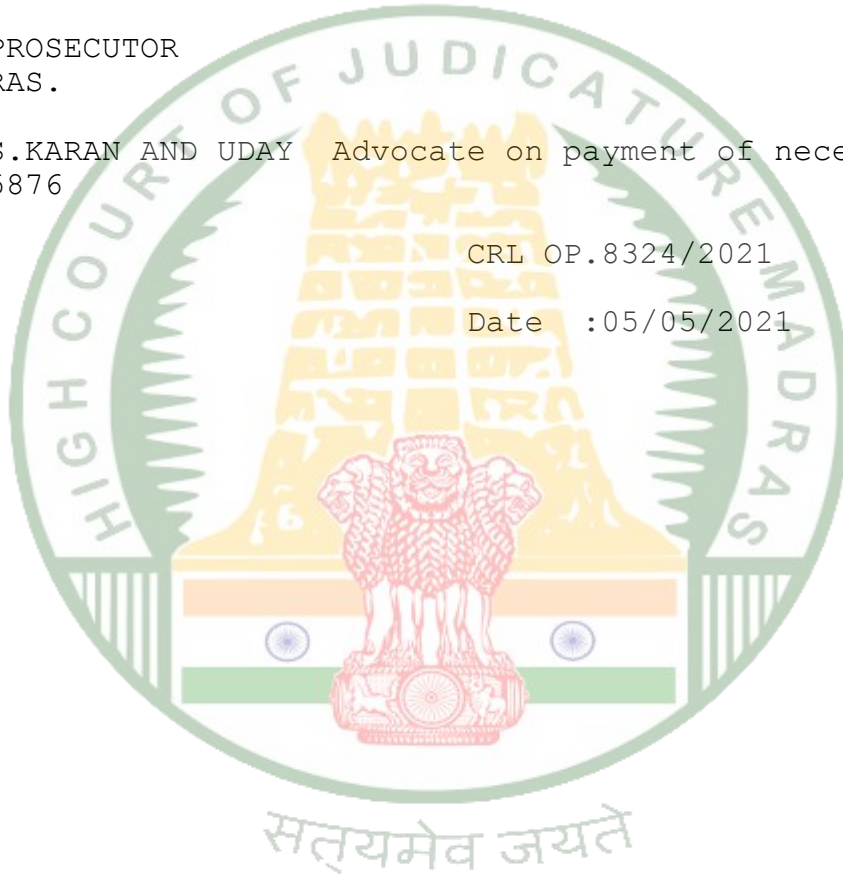
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges SR.No. 5876

CRL OP.8324/2021

Date :05/05/2021

RG.11.05.2021



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