

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Sixth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8427 of 2021

AYYAPPAN

[ PETITIONER / ACCUSED ]

Vs

INSPECTOR OF POLICE [ RESPONDENT ]  
PALAIYUR POLICE STATION,  
NAGAPATTINAM DISTRICT.  
CR.NO.102 OF 2021.

For Petitioner : M/S.G.MOHANA KRISHNAN 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, 354 and 307 of IPC in Crime No.102 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel, the petitioner assaulted the de facto complainant and his wife with knife and he also threatened to kill them with knife. 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. 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 with knife and that the victim has already been discharged from the hospital. He further submitted that there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 No.II, Mayiladuthurai, on condition that the 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, 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/-

06/05/2021

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,  
NO.II, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM(FOR INORMATION)

3 INSPECTOR OF POLICE  
PALAIYUR POLICE STATION,  
NAGAPATTINAM DISTRICT.

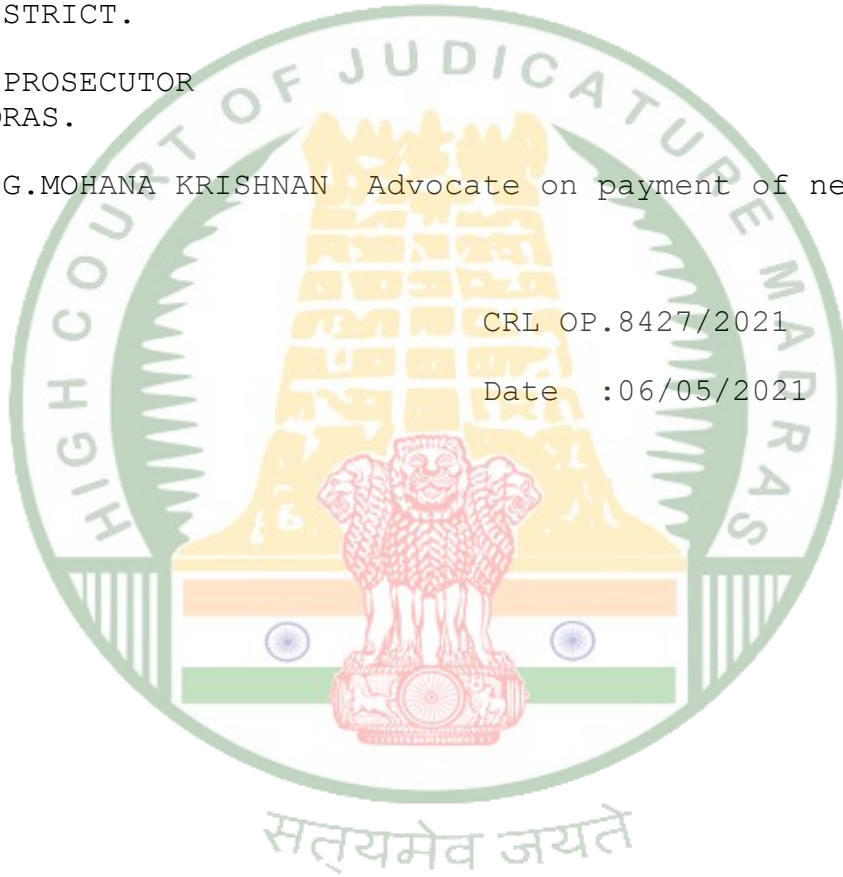
4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary  
charges Sr.5849

CRL OP.8427/2021

Date :06/05/2021

RVR 17/05/2021



WEB COPY