

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.8371 of 2021

PANNEERSELVAM (A1)

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
UTHIYUR POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.71/2021

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent/police for the alleged offences punishable under Sections 294(b), 323 and 506 (II) IPC, on the file of the Uthiyur Police Station, Tiruppur District, in Crime No.71 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 has posted an abusive message about the relative of the defacto complainant in face book, as a result of which, there was a wordy quarrel aroused. It is alleged that the petitioner and other accused persons are said to have attacked the defacto complainant with dare consequences and caused injuries. The defacto complainant was admitted in hospital. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that both the parties are relatives and the petitioner has posted a wrong message in face book about the relative of the defacto complainant, due to which a wordy quarrel aroused and he attacked the defacto complainant along with other accused persons. There was no external injuries and he would further submit that the injured has been discharged from hospital. However, he opposed to grant of anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between the parties, the injured was discharged from the hospital, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kankeyam on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[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 appear before the respondent police for a period of two weeks daily at 10.30 am, and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond 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 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-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,
KANKEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

CRL OP.8371/2021

Date :06/05/2021

cs 07/07/2021

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