

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9030 of 2021

Thirumurugan @ Raasu

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
P-2, Otteri Police Station,
Chennai

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.25 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Suresh

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offences under Sections 341, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.25 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. There are totally three accused in this case and the petitioner is A3. The case of the prosecution is that on the date of occurrence, due to previous enmity, the petitioner along with other accused waylaid him, abused and attacked the de-facto complainant with knife on his leg and caused grievous injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and and he has been falsely implicated in this case. He would further submit that the similarly placed co-accused/A2 was released on bail by this Court in Crl.O.P No.6454 of 2021 on 15.04.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital and the similarly placed co-accused was released on bail.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital and the similarly placed co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 X Metropolitan Magistrate, Egmore, Chennai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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/-
12/05/2021

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 METROPOLITAN MAGISTRATE NO.X,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1CC to M/S D.SURESH Advocate on payment of necessary charges SR NO.6116

CRL OP.9030/2021

Date :12/05/2021

MK:24/06/2021

WEB COPY