

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9198 of 2021

Suriya @ Mukesh

... Petitioner

Vs.

State rep. by:

The Inspector of Police,
Avalur Police Station,
Vellore District.
(Crime No.384 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.384 of 2020 on the file of the Respondent Police.

For petitioner : Mr.R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate.
(IN CRL.O.P.No.9198/2021)

For Respondent: MR.N.S.SUGENTHIRAN
Govt. Advocate (Crl. Side)
(IN CRL.MP.No.7951 & 7955/2021)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 323 of IPC altered into 147, 294(b), 323, and 506(ii) of IPC in Crime No.384 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in a wordy quarrel between the petitioner and the defacto complainant, the petitioner said to have abused and assaulted the defacto complainant with hands and thereby caused injuries. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Due to previous enmity, he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that due to previous enmity the petitioner attacked the defacto complainant with hands and caused injuries. He further submitted that the injured has been discharged from hospital and no previous case is pending as against the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned Government Advocate that the injured has been discharged from hospital, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest 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-II, Walajapet**, 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 learned Magistrate concerned and on further conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
13/05/2021

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.

(*) Amended and time is granted by this Court in Crl.MP.No.7951 of 2021 for further period of two weeks from the date of receipt of copy of this order as per order of this court dated 23/08/2021 in (CRL.MP.No.7951 & 7955/2021 IN CRL.O.P.No.9198/2021)

TO

**1 (*) THE JUDICIAL MAGISTRATE,
NO.II, WALAJAPET.**

2 THE JUDICIAL MAGISTRATE,
NO.III, WALAJAPET.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
AVALUR POLICE STATION,
VELLORE DISTRICT.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9198/2021

Date :13/05/2021

cs 17/06/2021
APN 07/09/2021