

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.10128 of 2021

C.Sasi @ Sasidaran

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Thirumullaivoyal Police Station,
Ambattur.
(Crime No.239 of 2021)

... Respondent

PRAYER: Criminal Original petitions have been filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.239 of 2021, on the file of the respondent.

For Petitioner : Mr.S.Panneer Selvan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 341, 147, 148, 294(b), 323 and 307 IPC in Crime No.239 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 05.05.2021 at about 7 p.m., the petitioner along with other accused attacked the defacto complainant with knife due to which, he sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that this is second anticipatory bail petition and the earlier petition was dismissed by this Court on 13.05.2021. He further submitted that the co-accused have been granted anticipatory bail by the learned District and Sessions Judge, Tiruvallur on 09.06.2021. He also submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also of the fact that the victim has been discharged from the hospital and the co-accused are granted bail, this Court is inclined to grant anticipatory bail to the petitioners 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 Judicial Magistrate, Ambattur 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 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.

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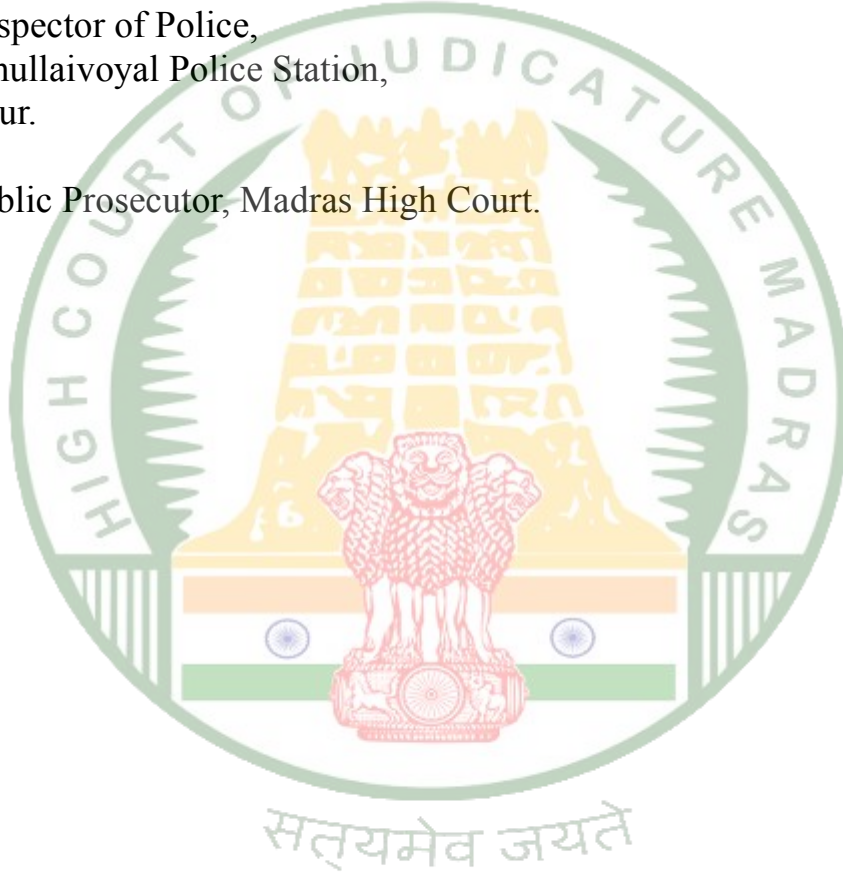
25.06.2021

Index : Yes/No

mpa

To

- 1.The Judicial Magistrate, Ambattur.
2. The Inspector of Police,
Thirumullaivoyal Police Station,
Ambattur.
- 3.The Public Prosecutor, Madras High Court.



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S.KANNAMMAL.J,
mpa



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