

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9840 of 2021

Sankar

... Petitioner

Vs.

The State, rep. by
Inspector of Police,
T.Palur Police Station,
Ariyalur District
(Crime No.130 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.130 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.V.Jayakumar

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, apprehending arrest by the respondent State for alleged offences punishable under Sections 294(b), 307, 323, 506(ii) of Indian Penal Code, 1860 (IPC for the sake of brevity) vide Crime No.130 of 2021 on the file of T.Palur Police Station, Ariyalur District has moved the captioned Criminal Original Petition under Section 438 of 'The Criminal Procedure Code, 1973' (Cr.P.C., for the sake of brevity) seeking anticipatory bail.

2.This Court heard Mr.S.Vijayakumar, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of State.

3. Petitioner's counsel submits that the petitioner is innocent and he has been framed. It is his further say that the case has been foisted on him. It is also submitted by the learned petitioner's counsel that the alleged victim has been discharged from hospital.

4. There is no disputation by the learned State Counsel that the alleged victim has been discharged from hospital. It is submitted by learned State Counsel that the matter is under investigation. There is also no disputation that there are no adverse antecedents qua the petitioner.

5. In the light of the aforesaid narrative, this Court is inclined to accede to the prayer in captioned Crl.O.P. for anticipatory bail to the petitioner on the conditions adumbrated infra.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.1, Jayankondam, 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 said jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Jurisdictional Magistrate may demand production of their Aadhar cards or Bank pass Books to ensure / verify their identities;

(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) if there is 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 itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) Though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-

04/06/2021

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.I, JAYANKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
PALUR POLICE STATION,
ARIYALUR DISTRICT.

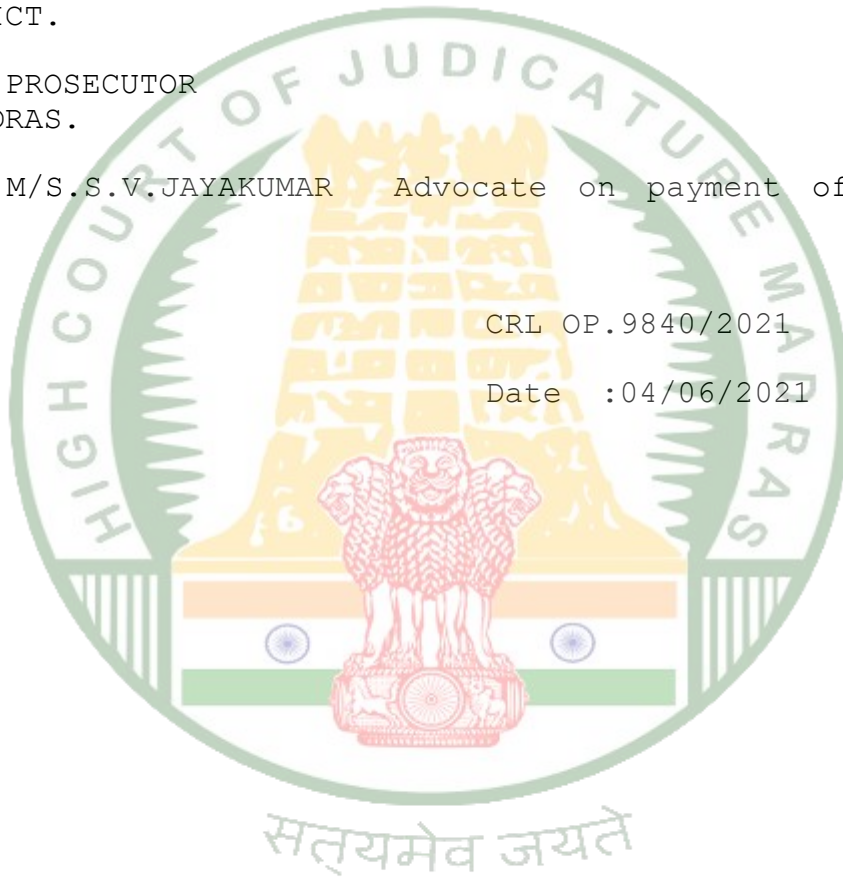
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.V.JAYAKUMAR Advocate on payment of necessary
charges

CRL OP.9840/2021

Date :04/06/2021

RVR 06/07/2021



WEB COPY