

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9909 of 2021

Gajendran

... Petitioner

Vs.

The State, rep. by  
Inspector of Police,  
Minjur Police Station,  
Thiruvallur District  
(Crime No.393 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.393 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Chandrasekar

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

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for brevity) with a prayer for anticipatory bail as the petitioner, who is lone accused in Crime No.393 of 2021 on the file of Minjur Police Station (Thiruvallur District) apprehends arrest by the respondent/State for alleged offences punishable under Section 294(b), 324, 506(ii) of the 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity).

2. It is submitted by learned counsel for petitioner that the petitioner has not come to the adverse notice of the respondent police and in other words, there is no adverse antecedents qua petitioner. It is also submitted that the alleged victim was treated as Out Patient in a hospital and was returned home on the same day.

3. There is no disputation or disagreement by the State Counsel (on instructions) regarding there being no adverse antecedents and the alleged victim being treated as Out Patient and returning home on the same day.

4. It also unfurls from the narrative in captioned petition/hearing that the defacto complainant and the petitioner in the captioned Criminal Original Petition are neighbours and that they are far from being friendly.

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail.

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.II, Ponneri, 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 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 Magistrate may order 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/es 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 as applicable will follow.

-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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
MINJUR POLICE STATION,  
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.9909/2021

Date :04/06/2021

RVR 06/07/2021

WEB COPY