

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10185 of 2021

N.Diwakar

... Petitioner/Accused No.3

Vs.

State Rep.By
Inspector of Police,
S5, Pallavaram Police Station,
Chennai.
(Crime No.267 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.267 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.D.Alexis Sudhakar

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

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 341, 324, 294(b) and 506(II) of IPC in Crime No.267 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. There are totally three accused and the petitioner is arrayed as third accused in this case. The case of the prosecution is that the petitioner and the defacto complainant are neighbors and relatives and there was some previous enmity between them. Due to which the petitioner assaulted the defacto complainant with knife and caused injuries to him. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that injured person has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Considering the fact that the injured has been discharged from the hospital and there is also no previous case against the petitioner, 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 or 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-2, Tambaram Court, 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 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 Court concerned 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. until further orders;

(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2021

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.2, TAMBARAM COURT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S5, PALLAVARAM POLICE STATION,
CHENNAI.

CC to M/S.D.ALEXIS SUDHAKAR Advocate on payment of necessary charges

CRL OP.10185/2021

Date :18/06/2021

cs 13/07/2021

WEB COPY