

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10545 of 2021

Rajkumar

... Petitioner

Vs.

State by
Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.544 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.544 of 2021 on the file of Inspector of Police, Mangalamedu Police Station, Perambalur District.

For Petitioner : Mr.R.Divya

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 324, 307, 506(2) IPC r/w Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.544 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute regarding the pavement between the defacto complainant and the petitioner. On 01.06.2021, when the defacto complainant went through the petitioner's pavement, the petitioner came from his house assaulted the defacto complainant and stabbed her with knife and the defacto complainant's son and her cousin came there to rescue, the petitioner also abused them and stabbed the defacto complainant's son with knife, thereby, the defacto complainant and her son sustained injuries. Hence, the defacto complainant has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that due to a civil dispute between the petitioner and the defacto complainant, the defacto complainant lodged a complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that due to a civil dispute between the petitioner and the defacto complainant, the petitioner stabbed the defacto complainant and his son with knife and both of them sustained injuries. He further submits that the injured persons have been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the injured were discharged from the 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 or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Perambalur 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 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 petitioners 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/-

21/06/2021

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 ADDITIONAL MAHILA COURT
PERAMBALUR.

2.INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10545/2021

Date :21/06/2021

RVR 12/07/2021