



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10927 of 2021

in CRL.MP.6953 of 2021

Kokila

... Petitioner

Vs.

State Rep by its
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
Crime No.311 of 2021.

... Respondent

UMA,

[PETITIONER/ W/O DEFACTO-COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 16/07/2021 IN CRL.MP.6953/2021 IN CRL.O.P.NO.10927/2021]

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.311 of 2021 pending investigation on the file of respondent police.

For Petitioner : Mr.T. Muruganantham

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

For Intervenor: : M/s.K.Karthick Jyothi,

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) and 307 of IPC. in Crime No.311 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, due to which the petitioner abused the defacto complainant and assaulted him. Hence, the complaint was registered.

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



4. The learned counsel appearing for the intervenor would submit that the petitioner attacked the defacto complainant and caused injuries to him. Hence he opposed for grant of anticipatory bail to the petitioner.

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5. The learned Government Advocate (Crl.Side) submits that the petitioner abused the defacto complainant and assaulted him. He further submit that the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 II, Tiruvallur**, 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

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-sd/-
16/07/2021

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.10927/2021
in CRL.MP.6953/2021

Date :16/07/2021

TA-03/08/2021