

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11074 of 2021

Murugayi

... Petitioner/Accused No.3

Vs.

The State Rep.by
The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.
(Cr.No.811 of 2020)

... Respondent/Complainant

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 her arrest in Crime No.811 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.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 294(b), 341, 323 and 506 (i) of I.P.C, read with under Section 4 of TNPWH Act, in Crime No.811 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioner along with two other accused attacked the defacto complainant, her husband and daughter. Due to which, the defacto complainant and her family members sustained injuries. Hence, the law enforcing agency registered the case against the petitioner.

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 Government Advocate (Crl.Side) submits that due to previous enmity the petitioner along with two other accused attacked the defacto complainant, her husband and daughter and caused injuries to them. He further submits that the injured 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 also discharged from 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 Judicial Magistrate-II, Alandur, 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/-
29/06/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-5, PALLAVARAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S K.KARTHIK Advocate on payment of necessary charges SR NO.6985

CRL OP.11074/2021

सत्यमेव जयते
Date :29/06/2021

MK:09/07/2021

WEB COPY