

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11238 of 2021

V.Gopinath

...Petitioner

Versus

State Rep. by
The Inspector of Police,
J11 Kannagi Nagar Police Station,
Chennai.
(Cr.No.932 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.932 of 2021 on the file of the respondent Police.

For Petitioner : Mr.M.Rajavelu

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 341, 294(b), 324, 336 and 506(ii) IPC r/w 34 IPC in Cr.No.932 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the defacto complainant and the petitioner, the petitioner along with his friends called the defacto complainant and tried to assault him with knife. However, the defaco complainant escaped from the attack and by getting back the knife, assaulted the petitioner. Thereby, friends of the petitioner assaulted the defacto complainant and caused him injuries.

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. He further submitted that the petitioner has also lodged a police complainant against the defacto complainant in Cr.No.933/2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the 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 No.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. 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/-
30/06/2021

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
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J11 KANNAGI NAGAR POLICE STATION,
CHENNAI.

+1 CC to M/S. M.RAJAVELU Advocate on payment of necessary charges
SR.No.6971

सत्यमेव जयते

CRL OP.11238/2021

Date :30/06/2021

cs 14/07/2021

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