



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11548 of 2021

Moorthy

... Petitioner

Vs.

State represented by  
The Inspector of Police,  
Thirupalaivanam Police Station,  
Thiruvallur District.

... Respondent

**Prayer:**

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.325 of 2021 on the file of the respondent police station.

For Petitioner : Mr.A.M.Rahamath Ali

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

**ORDER**

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 324, 307 and 506(ii) of I.P.C. in Cr.No.325 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused is alleged to have attacked the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case.

4.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital and further submitted that there is no previous case as against the petitioner.

5.Considering the fact that the injured has been 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 Judicial Magistrate No.II, Ponneri, 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 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/-  
06/07/2021

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,  
PONNERI,

2 THE CHIEF JUDICIAL MAGISTRATE,  
<https://hcservices.ecourts.gov.in/hcservices/>  
THIRUVALLUR DISTRICT (FOR INFORMATION).



3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THIRUPALAIVANAM POLICE STATION,  
THIRUVALLUR DISTRICT.

CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary  
charges

CRL OP.11548/2021

Date :06/07/2021

INBA 20/07/2021