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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11547 of 2021

J.Rakesh Kumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
M-3, Puzhal Police Station,
Madhavaram,
Chennai - 600 060.
(Crime No.783 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.783 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

For Defacto Complainant : Mr.Sridhar
Party - In - Person

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 427, 324 and 506(ii) of I.P.C. in Cr.No.783 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner 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. The learned counsel would further submit that the petitioner and defacto complainant are close relatives and that the defacto complainant is the petitioner's sister's husband. There was matrimonial dispute inbetween the defacto complainant and petitioner's sister and hence



the petitioner went to the defacto complainant's house, due to which, wordy altercation arose.

4.The defacto complainant who is an Advocate appeared as party - in - person and fairly admitted that there is close relationship inbetween him and the petitioner and submitted that the petitioner was repeatedly attacking him and vehemently opposed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital.

6.Considering the fact that the injured 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 District Munsif and Judicial Magistrate Court, Madhavaram, 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

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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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-3, PUZHAI POLICE STATION,
MADHAVARAM, CHENNAI-600 060.

+1 CC to M/S.M.GNANASEKAR Advocate on payment of necessary
charges SR.NO.7142

CRL OP.11547/2021

Date :06/07/2021

TA-16/07/2021