



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12411 of 2021

V.Jayakumar

... Petitioner

Vs.

State rep by the Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.
Crime No.93 of 2021.

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner herein on bail in the event of their arrest in Crime No.93 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : M/s.VAT Legal

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 294(b) and 324 of I.P.C. in Cr.No.93 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 further submitted that this is a case in counter.

4.The learned counsel appearing for the petitioner further submitted that the satisfaction Court is learned XVII Metropolitan Magistrate, Saidapet, Chennai, however, it has not been mentioned in the petition and prayed for appropriate orders.

5.The learned Government Advocate (Criminal Side) submitted that the injured was treated as out patient.



6. Considering the fact that the injured was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner.

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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 XVII Metropolitan Magistrate, Saidapet, Chennai (on consideration of the request made by the learned counsel appearing for the petitioner), 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/-
23/07/2021

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.



1 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET. CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-2, KODAMBAKKAM POLICE STATION,
CHENNAI.

CC to M/S VAT LEGAL Advocate on payment of necessary charges

CRL OP.12411/2021

Date :23/07/2021

TA-02/08/2021