



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11853 of 2021

Mubarak,

...Petitioner

Versus

The State rep by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime No.23 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 his arrest in Crime No.23 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.R.Thirumoorthy

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

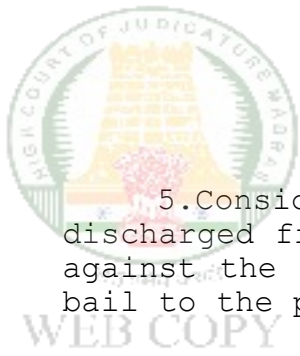
ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 363, 307 of IPC, in Crime No.23 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have illicit intimacy with the wife of A1 and both of them gone to Tirupathi and A1's wife was living with the defacto complainant for some time, the same was questioned by the petitioner. Due to which, quarrel arose between them, in which, the petitioner said to have attacked the defacto complainant and caused serious injuries to him. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that co-accused have already been granted bail by this Court in Crl.O.P.No.3215 of 2021 dated 19.02.2021. Hence, he prays for grant of 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 as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending as 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, at Krishnagiri, 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) 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.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KRISHNAGIRI,

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.11853/2021

Date :09/07/2021

INBA 22/07/2021