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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12253 of 2021

Thamizharasan

...Petitioner

Versus

State Rep. by
The Inspector of Police,
M-8, Sathangadu Police Station,
Madhavaram.
(Cr.No.508 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.508 of 2021 on the file of the respondent Police.

For Petitioner : Mr.E.Mathivanan

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 and 506(ii) IPC in Cr.No.508 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On 05.07.2021 during night hours when the complainant along with his friend talking at the open terrace in the Community Hall situated in his locality, the same was questioned by the petitioner along with two other accused and there aroused a wordy quarrel between them. Due to that previous enmity, later the petitioner along with other accused persons waylaid the complainant and jointly attacked him on his forehead by using cement tile and thereby the defacto complainant had sustained severe blood injury and he was hospitalised. Due to which the defacto complainant has lodged a complaint and hence, the Law Enforcing Agency has registered a case against the petitioner.

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. Hence, the learned counsel prays to grant anticipatory bail to the



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.

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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, Thiruvottriyur, 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/-

15/07/2021

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

TRUE COPY



1. THE JUDICIAL MAGISTRATE,
THIRUVOTTRIYUR.

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

3 THE INSPECTOR OF POLICE,
M-8, SATHANGADU POLICE STATION,
MADHAVARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.MATHIVANAN Advocate on payment of necessary
charges SR.NO.7501

CRL OP.12253/2021

Date :15/07/2021

INBA 23/07/2021