

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12359 of 2021

Manikandan
S/o.Sithan

...Petitioner

Versus

State rep by
The Inspector of Police
Magudamchavadi Police Station,
Salem District
(Cr.No.166 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 pending investigation in Crime No.166 of 2021 on the file of the respondent.

For Petitioner : Mr.R. Jayaprakash

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 294(b), 323, 324, 448, 307 and 506(ii) of IPC, in Crime No.166 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was wordy quarry between the petitioner and the defacto complainant, as a result of which the petitioner attacked the defacto complainant and caused injuries. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that petitioner along with other accused persons had attacked the defacto

complainant and caused simple injury. He further submit that the defacto complainant was treated only as out patient. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the defacto complainant was treated only as out patient 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 Court No.11, Sankari, 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.

16.07.2021

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To.

1. The Judicial Magistrate No.II,
Sankari.

2. The Inspector of Police
Magudamchavadi Police Station,
Salem District

3. The Public Prosecutor,
High Court, Madras.



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Today, the matter is listed under the caption “for being mentioned”.

2. In continuation of the earlier order of this Court dated 16.07.2021, the first paragraph of the order shall stand substituted as follows:

“The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 448, 307 and 506(ii) of IPC r/w Section 3(1) of the TN TNPPDL Act, in Crime No.166 of 2021, on the file of the respondent police, seeks anticipatory bail.”

3. All the other observations made in the earlier order dated 16.07.2021 shall remain intact.

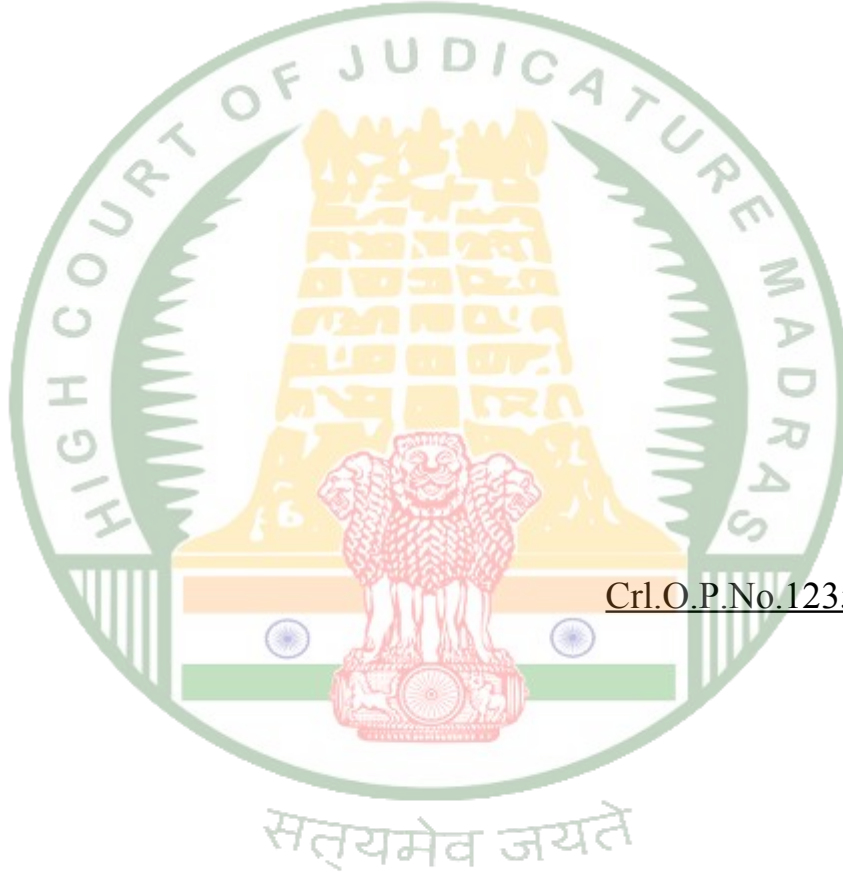
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