



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14520 of 2021

K.ELAVARASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
R.S.PURAM (L AND O) POLICE STATION,
COIMBATORE,
CR.NO.1102/2020

[RESPONDENT]

For Petitioner : M/S.P.R.DINESH KUMAR Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

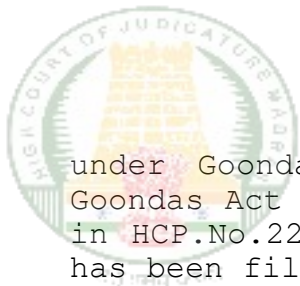
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 120(B), 148, 307 r/w 34 of IPC, in Crime No.1102 of 2020, on the file of the respondent police, seek anticipatory bail.

2. This is the second anticipatory bail application filed before this Court. The case of the prosecution is that A1 in this case said to have borrowed a sum of Rs.20,00,000/- from the defacto complainant and when the defacto complainant demanded money from A1, the petitioner along with other accused persons assaulted the defacto complainant with knife and caused grievous injuries to him. Hence, the complaint.

3.The learned counsel appearing for the petitioner 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 on earlier occasion, this Court had dismissed the anticipatory bail to the petitioner in Crl.O.P.No.5444 of 2021 dated 31.03.2021 on the ground that co-accused persons were detained



under Goondas Act and subsequently, the order of detention under Goondas Act passed against the co-accused was set aside by this Court in HCP.No.2207 of 2020 dated 02.06.2021. Hence, the present petition has been filed.

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4.The learned Government Advocate (Crl.Side).appearing for the respondent submitted that 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 facts and circumstances of the case and also the fact that 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 -I, Coimbatore, 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.

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-sd/-

17/08/2021

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.

TO

1 THE JUDICIAL MAGISTRATE NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R.S.PURAM (L AND O) POLICE STATION,
COIMBATORE, .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.R.DINESH KUMAR Advocate on payment of necessary charges SR.No.8831

CRL OP.14520/2021

Date :17/08/2021

APN 25/08/2021