

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13193 of 2021

M.LOGANATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

T-1, AMBATTUR POLICE STATION,

TIRUVALLUR DISTRICT.

CR.NO.1324 OF 2021.

For Petitioner : M/S.S.RAVICHANDRAN Advocate

For Respondent : M/S.C.E.PRATAP, 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 offences under Sections 294(b), 324, 427, 506(ii) of I.P.C., 1860 r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1324 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.07.2021, the defacto complainant had started to build the wall in his property. At that time, the petitioner and other accused persons came with weapons and attacked the defacto complainant and his brother and also tried to remove the wall. 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. The learned counsel further submitted that the petitioner has also made a compliant to the respondent police and the same was registered as Crime No.1325 of 2021. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the injured 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 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, Ambattur, 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/-
12/08/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
T-1, AMBATTUR POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S.S.RAVICHANDRAN Advocate on payment of necessary
charges SR.NO.8464

CRL OP.13193/2021

Date :12/08/2021

TA-19/08/2021