



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13220 of 2021

1 KUPPAN [PETITIONERS / ACCUSED]
2 SARAVANAN
3 KAMATCHI

Vs

STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.
(CR.NO.404/2021)

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.404 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the neighbour of the accused / petitioners. Due to previous enmity, there were wordy quarrel between them and thereby, the petitioners attacked the defacto complainant with hands. The respondent police have registered FIR based on complaint given by the defacto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) submits that the injured person has been discharged from the hospital and there is no previous case pending against the petitioners.



5. Considering the fact that the injured has been discharged from the hospital and there is also no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I. Thiruvallur, on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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/-

30/07/2021

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

TRUE COPY



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