



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13604 of 2021

JAYAMALINI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO. 523/2021

For Petitioner : M/S.S.VALARMATHI Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)
(CRL.O.P.No.13604/2021 DATED-04/08/2021)

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
(CRL.M.P.No.9020/2021 IN CRL.O.P.No.13604/2021
DATED-09/09/2021)

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 294(b), 323, 324, 147, 148, 506(2), 307 of IPC, in Crime No.523 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are Srilankan refugees attached to SLR Camp, Mettupatti post, Mohanur Taluk and the friend of defacto complainant and A8 herein were indulged in love affair and elopement and as a result of which, there was a wordy quarrel between the petitioner's group and the defacto complainant's groups, the petitioner along with other accused persons had assaulted the friend of the defacto complainant and caused injuries. 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 the petitioner's friend has already given a complaint before the respondent police as against the defacto complainant' groups in Crime No.522 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side). appearing for the respondent submitted that the injured person 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 person 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, Sendamangalam**, 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 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.

-sd/-

04/08/2021

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.

[*] Amended as per order of this Court dated 09/09/2021 made in CRL.MP.NO.9020 OF 2021 in CRL.O.P.NO.13604 OF 2021.

TO

**(*) THE JUDICIAL MAGISTRATE,
SENDAMANGALAM.**

2 THE JUDICIAL MAGISTRATE,
NAMAKKAL

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

4 THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.VALARMATHI Advocate on payment of necessary charges SR.NO.9844

CRL OP.13604/2021

Date :04/08/2021

RVR 19/08/2021

TA-29/09/2021