



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

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15065 of 2021

M.AJAY @ AJAY PRASATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
S-5, PALLAVARAM POLICE STATION,
PALLAVARAM,
CHENNAI-600 043
CRIME NO.378 OF 2021

[RESPONDENT]

For Petitioner : M/S.M.KATHIRVEL Advocate

For Respondent : MR.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 for the alleged offence punishable under Section 341, 294-B, 324 and 506(ii) of IPC in Crime No.378 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner's father and the defacto complainant, the petitioner's father has abused the defacto complainant in filthy language. Thereafter, the petitioner along with his friend came there and assaulted the defacto complainant with wooden log and threatened him with dire consequences. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant in inebriated condition had teased the petitioner with filthy language which resulted in wordy quarrel. When the defacto complainant has pulled his shirt, it was torn and the defacto complainant had fallen down and sustained injuries. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits there was a wordy quarrel between the petitioner and the defacto complainant, the present complaint has been filed. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to these petitioner.

5.Considering the fact that the injured has discharged from the hospital, this court is inclined to grant anticipatory bail to these petitioners.

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 -II, Tambaram 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 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.

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-sd/-
25/08/2021

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.II, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
S-5, PALLAVARAM POLICE STATION,
PALLAVARAM, CHENNAI-600 043

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.KATHIRVEL Advocate on payment of necessary
charges SR.NO. 9082

CRL OP.15065/2021

Date :25/08/2021

JPA 07/09/2021