



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16236 of 2021

M.SURYA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI TALUK AND DISTRICT.
CRIME NO.528/2021

[RESPONDENT]

For Petitioner : M/S.M.P.RAJAVELAYUTHAM 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 Sections 294(b), 323, 324, 307, 392 and 506(ii) of IPC in Crime No.528 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 A1 and the defacto complainant regarding money dispute and tomato business transaction. In this connection, A1 and others attacked the defacto complainant and abused him in filthy language and also snatched Rs.2,000/- from his pocket. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits 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 defacto complainant had purchased tomato from A1, the defacto complainant has not paid the said amount to A1 and filed a false case against them. The petitioner had simply present in the scene of occurrence and except that allegation, no other allegations made against him. He further submits that the co-accused was already arrested and released on bail in CrI.MP.No.2923 by the Vacation Sessions Judge, Villupuram Sessions Division, Villupuram. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits that the injured has been discharged from the hospital.

5. Considering the submissions made by both counsel and the fact that the injured has been discharged from the hospital and already co-accused was enlarged on bail, 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 No.1, Kallakurichi 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.

WEB COPY

-sd/-
07/09/2021

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, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI TALUK AND DISTRICT.

+1 CC to M/S.M.P.RAJAVELAYUTHAM Advocate on payment of
necessary charges SR.NO.9639

CRL OP.16236/2021

Date :07/09/2021

RW 23/09/2021