



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

Monday, the Thirteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16652 of 2021

KANJAMALAI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ATHIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.
CRIME.NO.385 of 2021

[RESPONDENT]

For Petitioner : M/S.D.ALEXIS SUDHAKAR Advocate
[IN CRL.O.P.No.16652 of 2021]

For Petitioner : M/S.S.VELMURUGAN Advocate
[IN CRL.M.P.No.14133 of 2021]

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN CRL.O.P.No.16652 of 2021]

For Respondent : MR. S.BALAJI, Govt. Advocate (Crl. Side)
[IN CRL.M.P.No.14133 of 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, 326 and 506(II)** of IPC in Crime No.385 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioner and the defacto complainant. On account of dispute, there exists enmity between both the families. Due to which, the defacto complainant sustained injuries. Hence, the complaint was registered.

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



4.The learned Government Advocate (Crl.Side) would submit that the petitioner attacked the defacto complainant and thereby she sustained severe injuries. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the injured person has been discharged from the hospital, 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 II, Dharmapuri 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 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/-

13/09/2021

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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 and Two weeks time is extended from the date of receipt of amended copy of the order to furnish sureties order as per order of this Court dated 03/01/2022 made in CRL.MP.NO.14133 OF 2021.

TO

1 THE JUDICIAL MAGISTRATE II,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ATHIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.SUDHAN Advocate on payment of necessary charges
SR.NO.120

CRL OP.16652/2021

Date :13/09/2021

INBA 24/09/2021

INBA-19/01/2022