



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17968 of 2021

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.
(CR.NO. NOT KNOWN OF 2021)

[RESPONDENT]

For Petitioner : M/S. D.ASHOK KUMAR 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 petitioner, who apprehends arrest for the alleged offence punishable under Section 294(b), 323 324, 506(ii) of IPC in Crime No.Not Known 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 defacto complainant and the petitioner's friends viz., Rakesh and Rajesh. In this connection, the petitioner along with his friends abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences and also caused injuries to him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that there was a wordy quarrel between the defacto complainant and the petitioner's friends viz., Rakesh and Rajesh, in this connection, the petitioner intervened and pacified them and he is not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was a case in counter. 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. He further submits that in this case, the crime number assigned as Cr.No.815 of 2021 for



the offence under Section 294(b), 323, 324 and 506(ii) IPC. He also submits that there is one previous case against the petitioner which is filed under Section 307 of IPC.

5. Considering the submissions made by both counsel and also the fact that the injured 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate, Thiruvottiyur* 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.

-sd/-

28/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.ASHOK KUMAR Advocate on payment of necessary
charges SR.NO.10806

CRL OP.17968/2021

Date :28/09/2021

CSK 07/10/2021