



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18230 of 2021

RAJA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
PALACODE,
DHARMAPURI DISTRICT.
(CRIME NO.375/2021)

[RESPONDENT]

For Petitioner : M/S. C.VIGNESWARAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

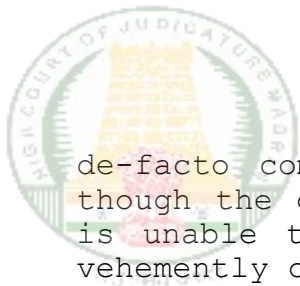
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 324, 506(ii) & 307 of IPC in Cr.No.375 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are relatives and during a temple festival, there arose a wordy quarrel between the de-facto complainant and the petitioner and the petitioner attacked the de-facto complainant using Iron Ladle and in the said attack, the de-facto complainant sustained grievous injuries. Hence, the de-facto complainant lodged a complaint against the petitioner, based on which the law enforcing agency registered a case against the petitioner.

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 petitioner, without prejudice to his rights, on his own volition is ready to pay Rs.1,00,000/-(Rupees One Lakh only) to the de-facto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that the petitioner attacked the de-facto complainant using iron ladle and the



de-facto complainant was injured severely. He further submits that though the de-facto complainant was discharged from the hospital, he is unable to walk and he is still undergoing treatment. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner to deposit the amount in favour of the de-facto complainant, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palacode, 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 shall pay an amount of Rs.1,00,000/- (Rupees One Lakh only) to the de-facto complainant under due acknowledgement which shall be produced while executing sureties before the trial Court. The concerned Magistrate, shall accept the sureties furnished by the petitioner on production of the acknowledgement / proof filed by the petitioner;

(b) 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;

(c) 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
07/10/2021

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,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARAMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
PALACODE, DHARAMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.VIGNESWARAN Advocate on payment of necessary
charges SR.NO.11348

CRL OP.18230/2021

Date :07/10/2021

CSK 25/10/2021