



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18695 of 2021

1 P.SARAVANAN [PETITIONERS / ACCUSED]
2 S.SIVA KUMAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.924/2021)

For Petitioner : M/S S.S.JHOTHIVANI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 294(b), 324 and 307 of IPC in Crime No.924 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity and the dispute between the petitioners and the defacto complainant with regard to property issue, due to which, the petitioners abused the defacto complainant in filthy language and assaulted him iron pipe and and caused injury to the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the the petitioners have not committed any such offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) on instructions submits that the injured has been discharged from the hospital. He further submits A2 has been already arrested.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also



considering the fact that injured has been discharged, this court is inclined to grant anticipatory bail to the 1st petitioner. With regard to A2, he has been already arrested, this court is not inclined to grant anticipatory bail to the second petitioner.

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6. Accordingly, the 1st 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.2, Tiruvannamalai 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 1st 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 1st petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation;

(c) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st 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 1st 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.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands ordered. The Criminal Original Petition in respect of the second petitioner stands dismissed.

-sd/-

21/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE NO.2,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.S.JHOTHIVANI Advocate on payment of necessary
charges SR.NO.11532

CRL OP.18695/2021

Date :21/10/2021

CSK 28/10/2021