



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

Thursday, the Seventh day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18834 of 2021

1 CHINNASAMY
2 ARUN @ APPU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME.NO.516 OF 2021

[RESPONDENT]

For Petitioner : M/S E.KANNADASAN 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 under Sections 294(b), 323, 324, 427, 506(ii) of IPC, in Crime.No.516 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son and the petitioners were working in the same company. There was a dispute between the petitioners and the defacto complainant son. Due to which the petitioners went to the defacto complainant's home and attacked the defacto complainant's son and had damaged the two wheeler. Hence, the defacto complainant lodged a complaint against the petitioners.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to deposit Rs.10,000/- directly to the defacto complainant for the damages caused by them. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that there are no previous cases pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and the undertaking of the petitioner ready to deposit Rs.10,000/- to the defacto complainant for rectifying the damages caused by them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8. 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 J.M.No.I, Krishnagiri District 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 petitioners shall give Rs.10,000/- directly to the defacto complainant for the damages caused by them and get due acknowledgment from him and produce the same before the J.M.No.I, Krishnagiri District, at the time of executing sureties.

(b) the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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 NO.I,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.11164

CRL OP.18834/2021

Date :07/10/2021

INBA-25/10/2021