



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19133 of 2021

SANJAY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI.
CRIME NO.1247 OF 2021.

[RESPONDENT]

For Petitioner : M/S.C.JOHNSON SAMUEL Advocate

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

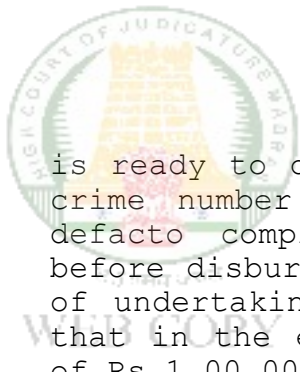
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 341, 294(b), 324 and 506(ii) of IPC @ 147, 148, 314, 294(b) 323, 307 and 506(ii) IPC in Crime No.1247 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with the other accused assaulted the defacto complainant with knife and caused injuries to him. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner did not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner's father was a history sheeter ie., "A" Grade accused and to take revenge against the petitioner's father, the respondent police foisted this case against the petitioner. The learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, the petitioner



is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- shall be returned to him.

4.The learned Government Advocate (Crl.Side) submits that due to previous enmity, the petitioner along with other accused assaulted the defacto complainant, due to which, the defacto complainant's three fingers were amputated and subsequently discharged from the hospital. He further submits that the defacto complainant had incurred more than Rs.50,000/- towards medical expenses. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the submissions made by both the Counsel and also considering the fact that the petitioner has agreed to deposit the amount, further injured person is discharged from the hospital, hence, 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 X Metropolitan Magistrate, Egmore, Chennai, 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 deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Cr.No.1247 of 2021 before the learned X Metropolitan Magistrate, Egmore, Chennai within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the learned X Metropolitan Magistrate, Egmore, Chennai, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- deposited by the petitioner to the credit of Cr.No.1247 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(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 10.30a.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.

-sd/-

08/10/2021

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.JOHNSON SAMUEL Advocate on payment of necessary charges

CRL OP.19133/2021

Date :08/10/2021

JPA 21/10/2021