



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.19183 of 2021

GANESHKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
E-2, PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.721 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.VINOTH 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), 324 and 506(ii) of IPC in Crime No.721 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was the building contractor and the defacto complainant is the laborer, who was working under the petitioner. There was dispute between them for which, the petitioner along with other accused persons had consumed alcohol and attacked the defacto complainant in which the defacto complainant lost his two teeth. Hence, the case was registered by the law enforcing agency.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner herein is the employer and the defacto complainant is the employee. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the credit



of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.25,000/- will be returned to him.

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with the other accused persons had consumed alcohol and attacked the defacto complainant in which the defacto complainant lost his two teeth. Hence, he opposed to grant anticipatory bail to the petitioner.

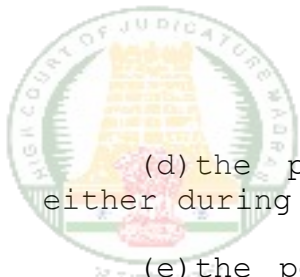
5. Considering the facts and circumstances of the case and also the fact that the petitioner is ready to deposit the amount of Rs.25,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate Court, No.II, Coimbatore, 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.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Cr.No.721 of 2021 before the Judicial Magistrate, No.II, Coimbatore within a period of two weeks from the date of receipt of copy of this order. On such deposit being made, the learned Judicial Magistrate, No.II, Coimbatore 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.25,000/- deposited by the petitioner to the credit of Cr.No.721 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, the trial court 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 or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;



(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 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;

(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 JUDICIAL MAGISTRATE COURT,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
E-2, PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO. 11343

CRL OP.19183/2021

Date :08/10/2021

JPA 26/10/2021