



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

Monday, the Twenty Fifth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19366 of 2021

CHANDRU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT.
CR. NO.309/2021

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.R.RAJAN 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 147, 148, 294(b), 324 and 506(ii) of IPC later altered into under Sections 147, 148, 294(b), 324, 506(ii) and 307 of IPC in Cr.No.309 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant along with his friend were sleeping in the Government owned building, the petitioner along with other accused persons entered into the said building and attacked the de-facto complainant and his friend using iron rod and abused them in filthy language and in the said attack, the de-facto complainant and his friend sustained grievous injuries. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. He further submitted that the co-accused persons have already been granted bail in Crl.O.P.No.19493 of 2021. Hence, he prays to grant anticipatory bail to the petitioner.



4.The Learned Government Advocate (Crl side) submits that the injured person has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

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5. Considering the fact that the injured has been discharged from the hospital and the co-accused have already been released on bail, 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 District Munsif Cum Judicial Magistrate at Uthukkotai, 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 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 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;

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

(d)the 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 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.

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-sd/-
25/10/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKKOTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.RAJAN Advocate on payment of necessary charges
SR.NO.11676

CRL OP.19366/2021

Date :25/10/2021

INBA-10/11/2021