



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19445 of 2021

N.MERLIN NESAIYAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE CITY.
FIR NO.452/2021.

[RESPONDENT]

For Petitioner : M/S.C. PALANISAMY Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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 offence under Sections 109, 323 & 506(i) of IPC, and Section 75(1) (c) of TN City Police Act 1888, in Crime No.452 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioner and defacto complainant and the petitioner assaulted the de-facto complainant. Hence the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused in this case was granted bail by the learned Principal District & Sessions Judge, Coimbatore. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent submits that the there was wordy quarrel between the petitioner and the defacto complainant and they assaulted each other. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court III, 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 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., until further orders 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.

-sd/-
12/10/2021

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE CITY.

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

CRL OP.19445/2021

Date :12/10/2021

TA-20/10/2021