



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19882 of 2021

ELUMALAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
CHENGALPET DISTRICT.
CR.NO. 399 OF 2021.

[RESPONDENT]

For Petitioner : M/S. C.MOHANRAJ Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.MOHANAKRISHNAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 & 506(ii) of I.P.C in Cr.No.399 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the De-facto Complainant are belonging to rival political parties. During the general election, a wordy quarrel arose between the petitioner and the De-facto Complainant due to which they attacked each other. Thereby, the defacto complainant lodged a complaint against the petitioner. Based on which, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence prays for grant of anticipatory bail. He further submitted that there is a case in counter.



4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and there is no previous case against the petitioner. He further submitted that no one sustained injuries.

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5. Considering the facts and circumstances of the case that no injuries caused, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 Judicial Magistrate Court-II, Maduranthakam, Chengalpattu 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 10.30 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.

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-sd/-

26/10/2021

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.II, MADHURANTHAKAM,
CHENGALPATTU DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT

3 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.MOHANRAJ Advocate on payment of necessary charges SR.No.11871

CRL OP.19882/2021

Date :26/10/2021

APN 12/11/2021