



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20135 of 2021

SIKKANDHAR BASHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR CITY,
TIRUPPUR DISTRICT.
CRIME NO. 1195 OF 2021.

[RESPONDENT]

For Petitioner : M/S. C.S.SARAVANAN 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 offences under Section 147, 148, 323, 324, 364, 307, 506(ii), 120B IPC, in Crime No.1195 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant group murdered one Samsudeen, who is the friend of the petitioners. Here the petitioner is arrayed as A2. It is alleged that the petitioner along with other accused joined together and attacked the defacto complainant. Thereby the defacto complainant sustained injuries. Hence the complaint was registered by the Law Enforcing Agency.



3.The learned counsel appearing for the petitioner submit that the petitioner is A2 and no specific overt act against the petitioner. He further submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that earlier the petitioner's friend was murdered by the defacto complainant. Thereby there was altercation between them and attacked the defacto complainant. He further submits that the injured discharged from the Hospital and no previous cases pending as against the petitioner. However, he opposed grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that injured discharged from the hospital, 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 Judicial Magistrate No.IV, Tiruppur 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 his 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 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.

WEB COPY

-sd/-

27/10/2021

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.IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR CITY, TIRUPPUR DISTRICT.

+1 CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.11958

CRL OP.20135/2021

Date :27/10/2021

RW 12/11/2021