



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20212 of 2021

SAKTHI@SAKTHI GANESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.
(CRIME NO.997/2021)

[RESPONDENT]

For Petitioner : M/S. T.MURUGANANTHAM Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353, and 506(i) of the IPC, in Crime No.997 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Nurse in a Primary Health Center. On 08.10.2021 at about 10 p.m., the petitioner along with two others, went to the said Primary Health Center with certain ailment. But the defacto complainant is alleged to have delayed in giving treatment and she was watching her cell phone. Therefore, the accused persons abused the defacto complainant in filthy language and also threatened her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is aged 18 years and he has not committed any offence as alleged by the prosecution and that a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor raised formal objection and submitted that there are totally 3 accused in this case and the petitioner is arrayed as A3. A1 had sustained injury on his leg and therefore, A1 to A3 had gone to Primary Health Centre for treatment in which, the defacto complainant is working as a Nurse. But the defacto complainant was watching cell phone without attending the patient. Hence, there was a wordy quarrel between the accused and the defacto complainant during which, the accused abused the defacto complainant in filthy language and also threatened her.

5.Considering the fact that there was only a wordy quarrel and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Nannilam, 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 appear 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/-
08/11/2021

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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.12574

CRL OP.20212/2021

Date :08/11/2021

CSK 11/11/2021