



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.20884 of 2021

1 KANNAN

[PETITIONERS / ACCUSED]

2 BOOPATHIRAJAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VAIPPOOR POLICE STATION,
TIRUVARUR DISTRICT
(CRIME NO.241/2021)

For Petitioner : M/S K.SHIVAKUMAR 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 :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.241 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.10.2021 at about 4 p.m., the 1st petitioner along with other accused were standing and chatting on the main road without leaving space for a lorry and when the same was questioned by the defacto complainant, they attacked the defacto complainant. Thereafter, on the same day at about 6 p.m., the petitioners along with other accused came to house of the defacto



complainant and again attacked him with knife and also damaged the two wheeler in which the petitioners came stating that they would lodge a complaint against him as if, the two wheeler was damaged by the defacto complainant. Hence, the complaint.

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3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against them. He would further submit that one of the accused/A3 has been granted bail by the Court below in CrI.M.P.No.1307 of 2021 dated 20.10.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor raised formal objection and would submit that the petitioners are arrayed as A1 and A2 and that A3 was arrested and subsequently released on bail by the Court below. He would further submit that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are 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, Tiruvarur, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall appear 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-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,
TIRUVARUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAIPPOOR POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S K.SHIVAKUMAR Advocate on payment of necessary charges SR.NO.12529

CRL OP.20884/2021

Date :08/11/2021

RW 12/11/2021