



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21209 of 2021

KAVIMANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AYILPATTI POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.453 OF 2021.

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Govt.Public Prosecutor

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 offence under Sections 294(b), 323, 324 & 506 (ii) of IPC in Cr.No.453 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner along with the other accused persons entered into the work shop of the defacto complainant in a drunken state and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant sustained only simple injuries and other co-accused persons/A1 and A2 have been enlarged on bail by the learned Judicial Magistrate, Rasipuram in CrI.M.P.No.1877 of 2021 on 22.10.2021. Hence, he prays to grant anticipatory bail to the petitioner.

4.Mr.N.S.Suganthan, learned Government Advocate appearing for the respondent submits that the injured person has been discharged from the hospital and there is no previous case pending against the petitioner.



5. Considering the fact that the injured person has been 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 anticipatory 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, Rasipuram** 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 on every Friday at 10.30 a.m. for a period of four weeks 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 anticipatory 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/-
11/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
RASIPURAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AYILPATTI POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.12642

CRL OP.21209/2021

Date :11/11/2021

TA-15/11/2021