



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21315 of 2021

J.Krishnamoorthi

... Petitioners

Versus

State Rep by
The Inspector of Police
Thiyagadurgam Police Station,
Kallakurichi
(Crime No.603 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.603 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Jayaprakash

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under section 294(b), 324, 506(ii) of IPC, in Crime No.603 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant and they were living separately. It is alleged that there was a land dispute between them, due to which the the petitioner attacked the defacto complainant using wooden long. Thereby the defacto complainant sustained injuries. Based on the complaint lodged by the defacto complainant, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence 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 injured person has been discharged from the hospital.



5. Considering the above 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 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 -II, Kallakurichi** 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.

-sd/-
15/11/2021

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,
NO.II, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIYAGADURGAM POLICE STATION,
KALLAKURICHI.

+1 CC to M/S.A.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO.12762

CRL OP.21315/2021

Date :15/11/2021

TA-19/11/2021