



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21888 of 2021

Sibiraj

...Petitioner

Versus

The State Rep by its
The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.
(Crime No.571 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.571 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 353, 307 & 506(ii) of Indian Penal Code, in Crime No.571 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the defacto complainant lodged a complaint against the petitioner alleging that on 21.10.2021, the petitioner along with some others waylaid, abused and assaulted the defacto complainant with hands and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the friend of A2, he was falsely implicated in this case. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and the investigation is almost completed. He further submitted that co-accused had already been arrested and remanded to



judicial custody. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital and the investigation is almost completed, 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 before the learned Judicial Magistrate - No.1, Ponneri, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Vellore and report before the Inspector of Police, Town Police Station, on every Wednesday and Saturday at 10.30 a.m., until further orders. .

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.13559

CRL OP.21888/2021

Date :26/11/2021

CSK 30/11/2021