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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22571 of 2021

Kishore Kanna

... petitioner/Accused-2

Vs.

The State rep by
The Inspector of Police,
Thirumullaivoyal Police Station,
Thiruvallur District.
Crime No.794 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in Crime No.794 of 2021 on the file of the The Inspector of Police, Thirumullaivoyal Police Station, Thiruvallur District.

For petitioners : Mr.K.S.Arumugam

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294 (b), 323, 353 and 506(i) of IPC r/w Section 3 of TNPPDL Act, in Crime No.794 of 2021, seeks anticipatory bail.

2.Heard both sides.

3The case of the prosecution is that due to wordy quarrel, the petitioner abused the defacto complainant with filthy language and assaulted the defacto complainant in which the petitioner and others alleged to be damaged the bus front mirror. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate would submit that the injured has been discharged from the hospital and investigation is almost completed.

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6.Taking into consideration the nature of offence and the submissions made by both the counsels and taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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, Ambattur, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b]the petitioner shall make non-refundable deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) through demand draft to the Member Secretary, Tamil Nadu State Legal Services Authority, A.D.R Building, North Fort Road, High Court Campus, Chennai, without prejudice to his defence before the trial Court and the learned District Munsif cum Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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].



[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

26/11/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

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

4 THE MEMBER SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
A.D.R.BUILDING, NORTH FORT ROAD,
HIGH COURT CAMPUS, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S K.S.ARUMUGAM Advocate on payment of necessary
charges SR.NO.13501

CRL OP.22571/2021

Date :26/11/2021

CSK 02/11/2021