

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22777 of 2021

Akash

... Petitioner

Versus

The State Rep by its
The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.
(Crime No.628 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.628 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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), 323, 506(ii) and 436 of IPC, in Crime No.628 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2021 the petitioner along with other accused persons consumed liquor inside the plot of the defacto complainant. When the defacto complainant questioned for the same, the petitioner along with other accused persons had attacked him with hands and thereafter threatened him with dire consequences and they also fired the hut in his plot and thus he sustained a loss to the tune of Rs.10,000/-. 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. However, on instructions, the learned counsel further submitted that the petitioner, on his own

volition, is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime Number 628 of 2021. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is almost completed and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), 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, Mannargudi, Thiruvarur District, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No. 628 of 2021 through the concerned Court, within a period of two weeks from the date of receipt of a copy of this order and defacto complainant is permitted to withdraw that amount i.e, Rs.10,000/- with undertaking.

[b] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] 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.

[d] the petitioner is directed to appear before respondent police daily at 10.30 a.m., until further orders. .

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

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

-sd/-
30/11/2021

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.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.13944

CRL OP.22777/2021

Date :30/11/2021

JPA 06/12/2021