



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23351 of 2021

J.Joshua Prasanna Kumar

... Petitioner

Versus

State represented by
The Inspector of Police,
Thiruvottiyur Police Station,
Chennai - 600 019.
(Crime No.3192 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.3192 of 2021 by the respondent police.

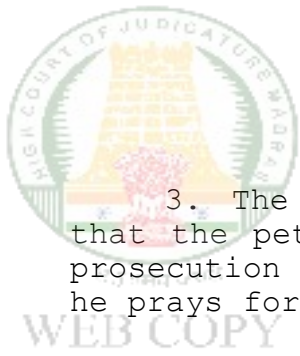
For Petitioner : Mr.M.Mariappan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 294 (b), 323, 307, 506(ii) of IPC in Crime No.3192 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police had received the statement from the defacto complainant at Stanley Hospital. On 21.11.2021 the quarrel arose between one Ravi and one Dillibabu, who is the members of Adhi Dravidar Kirama Sangam. Therefore the defacto complainant brought the Ravi to the home. Thereafter the defacto complainant and Ravi were standing the street at the time the said Dillibabu, Kathiresan, Sakthivel and their friend Joshua Prasanna Kumar were tried to assault the said Ravi and therefore the defacto complainant prevent the accused the accused persons, in the said process the accused were all assaulted the defacto complainant and he sustained injuries and caused the criminal intimidation. Hence this case.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is some wordy quarrel, victim discharged and investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 Court, Thiruvottiyur 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 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 report before the respondent police on every Wednesday 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

06/12/2021

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,
THIRUVOTTIYUR, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI-600019.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.14122

CRL OP.23351/2021

Date :06/12/2021

RW 08/12/2021