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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Crl.O.P.No.23470 of 2021

N.Arul

... Petitioner

Vs.

State rep by
Inspector of Police
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.1388 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioner on bail in the event of apprehending arrest in Crime No.1388 of 2021 on Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 Section 294(b), 324 and 506(ii) of IPC 1882 in Crime No.1388 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the defacto complainant went to his home and at that time, the petitioner cleaning the car in his Water Wash Company, the said water wash was sprinkled on him, the same was questioned by the defacto complainant, due to which, there was a wordy quarrel arose between them and the petitioner abused the defacto complainant in filthy language, stabbed him with Aruval and threatened him with dire consequences. Thereby, the defacto complainant sustained injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that at the time of water washing, the water was sprayed mistakenly on the defacto complainant's shirt. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that the injured has been discharged from the hospital. He further submits that investigation was almost completed.

5. Considering the submissions made by both counsel and also considering the fact that the injured has been discharged from the hospital and investigation was almost completed, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruthuraipoondi 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 report before the respondent police on every Wednesday and Sunday at 10.30 a.m., for a period of four weeks and thereafter 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 has been imposed and the petitioner is 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/-
07/12/2021

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges SR.NO.14289

CRL OP.23470/2021

Date :07/12/2021

JPA 16/12/2021