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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

CrI.O.P.No.23754 of 2021

Summer @ Selvakumar

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Pattabiram Police Station,
Thiruvallur District.
Crime No.413 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.413 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Premkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 307 of IPC in Crime No.413 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is petitioner along with others tried to assault the defacto complainant brother due to that he sustained grievous injuries . Hence, the complainant.

3.The learned counsel appearing for the petitioner submits that there was no such occurrence taken place as alleged by the prosecution. He further submits that petitioner only the helped the defacto complainant for send him to hospital. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.5,000/- to the credit of the Registered Advocate Clerks Association, Thiruvallur District. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl side) on instructions submits that co-accused were already released on bail and he further submits that there is no previous case as against the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that co-accused were released on bail, and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate - II, Thiruvallur*, 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Registered Advocate Clerks Association, Thiruvallur District, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] 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;

[c] the petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

[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 has 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
10/12/2021

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-II,
THIRUVALLUR.

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

3 THE INSPECTOR OF POLICE,
PATTABIRAM POLICE STATION,
TIRUVALUR DISTRICT.

4 THE REGISTERED
ADVOCATE CLERKS ASSOCIATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.PREMKUMAR Advocate on payment of necessary charges
SR.NO.14653

CRL OP.23754/2021

Date :10/12/2021

CSK 16/12/2021