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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23879 of 2021

Sayed Musthafa @ Saiyath @ Mohamed Saiyath

...Petitioner

Versus

The State Rep by
The Inspector of Police,
Kottakuppam Police Station
Villupuram District.
(Crime No.353 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.353 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Yuvaraj

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 punishable under Sections 324 and 506(i) of IPC, in Crime No.353 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had illegal intimacy with the sister of the petitioner. Further, on 24.10.2021 the defacto complainant was consuming liquor with his friends, at that time the petitioner came and asked the defacto complainant to accompany him to buy liquor. While going the petitioner stopped his vehicle and threatened the defacto complainant by saying that he has bomb with him. After that the petitioner suddenly taken a knife and stabbed the defacto complainant at hand, under arm and shoulders and flew away. After with the help of his friends the defacto complainant reached the government hospital, Puducherry. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and the investigation is almost completed. 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, Vanur, 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 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.

[b] the petitioner is directed to appear before respondent police on every Tuesday 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].



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

-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,
VANUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.P.YUVARAJ Advocate on payment of necessary charges
Sr.14561

CRL OP.23879/2021

Date :10/12/2021

RVR 16/12/2021