



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24157 of 2021

C.Udhayan

... Petitioner

Versus

The Inspector of Police,
V7 Nolambur Police Station,
Mogapair West,
Chennai 600 037.
(Crime No.859 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 in Crime No.859 of 2021 on the file of the V7 Police Station, Chennai.

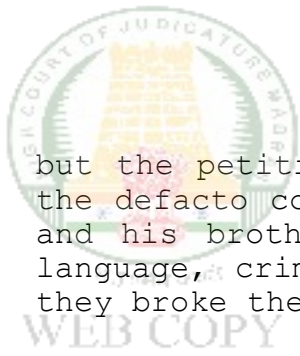
For Petitioner : Mr.G.Babu

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 under Sections 294(b), 324, 336, 506(2) of IPC in Crime No.859 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged complaint before the respondent police. The petitioner states that few months before defacto complainant borrowed Rs.70,000/- from his brother Suresh. Defacto complainant, Suresh and petitioner are brothers. Suresh asked defacto complainant to repay the borrowed amount but defacto complainant refused to pay the amount. Resulting which the dispute arose as motive between both side, followed by the said motive, on 27.10.2021 the defacto complainant and his two sons entered into the petitioner's house and pulled out Suresh from his house and brutally attacked him and used filthy languages, when the petitioner and his brother interfered to compromise the situation,



but the petitioner and the petitioner's brother was also attacked by the defacto complainant and his two sons they attacked the petitioner and his brother Suresh with knife and wooden log and used abusive language, criminally intimidated the victims caused head injury and they broke the petitioner's left forehead. Hence, the complaint.

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 the case in counter, injured 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, the petitioner also sustained injury and the medical proof also attached, 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 at Ambattur, 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 Saturday 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.

-sd/-
13/12/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
V7 NOLAMBUR POLICE STATION,
MOGAPARI WEST, CHENNAI-600 037

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.BABU Advocate on payment of necessary charges
SR.NO.14568

CRL OP.24157/2021

Date :13/12/2021

JPA 16/12/2021