



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.24358 of 2021

S. Manikandan

.. Petitioner

Vs.

The State Rep.by
Inspector of Police
Periyathatchur Police Station,
Villupuram District.
Crime No.194 of 2021

...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.194 of 2021, on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

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

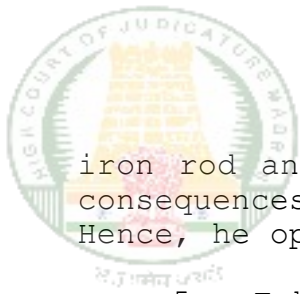
ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 341, 294(b), 323, 324, 506 (2), 379 of IPC in Cr.No.194 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner attacked the *defacto complainant* with iron rod and abused him with filthy languages and threatened him with dire consequences and taken cell phone and a sum of Rs.6000. Hence, the complaint.

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

4.The learned Government Advocate (Crl. side) submits that petitioner along with others attacked the *defacto complainant* with



iron rod and abused him filth language and threatened him with dire consequences and taken cell phone and cash from defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is ready to deposit a sum of Rs.10,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on anticipatory 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-II, Tindivanam, villupuram District, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.194 of 2021 before the learned Judicial Magistrate No.II, Tindivanam, Villupuram District, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence in the case and the defacto complainant is permitted to withdraw the same.

(c) the petitioner shall report before the respondent police on every Saturday 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 have been imposed and the petitioners released on anticipatory 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;



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

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-sd/-

17/12/2021

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,
TINDIVANAM, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYATHATCHUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.NO.15023

CRL OP.24358/2021

Date :17/12/2021

CSK 22/12/2021