



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.24460 of 2021

Kandhan @ Kandhasamy

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Kandamangalam Police Station,
Villupuram District.
(Crime No.313 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioners on bail in the event of his arrest in Crime No.313 of 2021 on the file of the respondent Police.

For Petitioner : Mr.G.Magesh Kumar

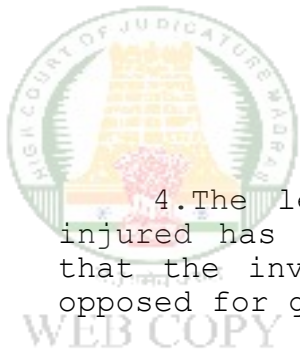
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 147,148, 448, 294(b), 323, 324 and 506(ii) of IPC in Crime No.313 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons trespassed into the defacto complainant's house and caused him hurt in relation to a money dispute with his Son-in-law. Hence the complaint.

3.The learned counsel appearing for the petitioners 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. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl side) submits that the injured has been discharged from the hospital. He further submits that the investigation was almost completed. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. The learned counsel, on instructions, submits that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.15,000/- to the credit of the crime number on the file of the respondent police and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,000/- will be returned to him.

6. Considering the fact that the injured has been discharged from the hospital and also considering the fact that the petitioner is ready to deposit the amount of Rs.15,000/- to the credit of the crime number on the file of the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 -II, Villupuram on condition that the petitioner shall execute bonds 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 shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand Only) to the credit of Cr.No.313 of 2021 within a period of four weeks from the date of receipt of copy of this order before the learned Judicial Magistrate -II, Villupuram. On such deposits being made, the learned Judicial Magistrate -II, Villupuram shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,000/- deposited by the petitioner to the credit of Cr.No.313 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

[b] 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;



[c] the petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation ;

[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 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;

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

-sd/-
15/12/2021

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,
NO.II, VILLUPURAM.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary charges SR.NO.14944

CRL OP.24460/2021

Date :15/12/2021

RW 29/12/2021