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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Crl.O.P.No.24583 of 2021

Rajasekar @ Seetharaman

... Petitioner/Accused No.3

Vs.

The State
Rep. by The Inspector of Police,
Sholavaram Police Station,
Tiruvallur District.
Cr.No.1555 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.1555 of 2021, dated 27.10.2021, on the file of the respondent police.

For Petitioner : Mr.V.Murugesan

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 offences punishable under Sections 294(b), 324 and 506(i) of IPC, in Crime No.1555 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioner and the de facto complainant, as a result of which, the petitioner are said to have attacked the de facto complainant and caused simple injuries and there is a case in counter.



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3. The learned Government Advocate submitted the victim has already been discharged from the hospital. The learned counsel further submitted that there is no previous cases pending against this petitioner.

4. Taking into consideration, the facts and circumstances of the case and also of the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri, on condition that each of 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 shall report before the respondent police every Saturday for a period of four weeks and thereafter as and when required for interrogation;

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

16/12/2021

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, PONNERI, THIRUVALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.MURUGESAN Advocate on payment of necessary
charges SR.NO.14925

CRL OP.24583/2021

Date :16/12/2021

CSK 22/12/2021