



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24803 of 2021

AND Crl.M.P.No.13980 of 2021

Sidhick @ Sikkendar Basha

... Petitioner

Versus

State Rep by
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Crime No.908 of 2021)

... Respondent

M/S.A.PRINCE SANTHAREMO,

[PETITIONER / INTERVENER /
DEFACTO-COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 22.12.2021 IN
CRL.MP.13980/2021 IN CRL.O.P.NO.24803/2021]

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.908 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : M/s.A.Prince Santharemo

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 307 of IPC in Crime No.908 of 2021, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant, as a result of which, the petitioner had abused the defacto complainant in filthy language and attacked him by a small knife and caused stab injury. 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. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.20,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor 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. The learned counsel for the intervenor/defacto complainant submitted that the petitioner had attacked the defacto complainant and caused stab injury. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Mettupalayam, Coimbatore District, 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 shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Cr.No.908 of 2021 before the learned Judicial Magistrate, Mettupalayam, Coimbatore District, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate, Mettupalayam, 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.20,000/- deposited by the



petitioner to the credit of Cr.No.908 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to appear before the respondent police daily 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 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].

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

-sd/-
22/12/2021

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,
METTUPALAYAM, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S G.NIRMAL KRISHNAN Advocate on payment of necessary
charges SR.NO.15425

CRL OP.24803/2021

& CRL MP.13980/2021

Date :22/12/2021

JPA 03/01/2022