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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.12.2021

CORAM:

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

Cr1.O.P.No.25346 of 2021

S.Manikandan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Valasaravakkam Police Station,
Chennai.
(Crime No.774 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in crime No.774 of 2021, on the file of the respondent police.

For petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.774 of 2021, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the defacto complainant while asking for the repayment of the loan amount, the petitioner abused him in filthy language and assaulted the defacto complainant and in the said attack the defacto complainant sustained head injuries. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.



4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.

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5.The learned Government Advocate would submit that the injured has been discharged from the hospital and there is no previous cases pending against the petitioner.

6.Taking into consideration the nature of offence and the submissions made by both the counsels and taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Poonamallee, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall deposit a sum of Rs.5,000/- to the credit of Crime No.774 of 2021, which shall be paid to the victim girl by the respondent police;

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

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-sd/-
23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VALASARAVAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary charges SR.NO.15497

CRL OP.25346/2021

Date :23/12/2021

CSK 29/12/2021