



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

CRL.O.P.No.25835 of 2021

D. Sri Aravindh Raj ... Petitioner

Versus

State Rep by
The Inspector of Police
Thirumurugan Poondi Police Station,
Tiruppur City,
Tiruppur District.
(Crime No.142 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.142 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.S.Vinoth Kumar

For Respondent : Mr.L.A.J.Selvam
Government Advocate (Crl. Side)

Order

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 324, 506(i) of IPC in Cr.No.142 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was wordy quarrel between the petitioner and the defacto complainant in the wine shop and under the influence of alcohol, the petitioner/A1 punched the defacto complainant on his face for which he fell down. And in the said attack, the defacto complainant sustained injuries. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant sustained only simple injuries. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent submits that there was wordy quarrel between the petitioner and the defacto complainant under the influence of alcohol in a bar. It is alleged that the petitioner/A1 punched the defacto complainant and he fell down. He further submits that the injured person has been discharged from the hospital.

5. Considering the fact that the petitioner and the defacto complainant are friends and there arose quarrel between them only under the influence of alcohol and the overt act against the petitioner is that he punched the defacto complainant on his face. Further, also considering that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 Court, Avinashi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 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;



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

WEB COPY

-sd/-
29/12/2021

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,
AVINASHI, TIRUPPUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
THIRUMURUGAN POONDI POLICE STATION,
TIRUPPUR CITY, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.VINOTH KUMAR Advocate on payment of necessary charges SR.NO.15676

CRL OP.25835/2021

Date :29/12/2021

RW 30/12/2021