



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Cr1.O.P.No.25841 of 2021

Sudhan Kumar @ Sudhan

... Petitioner

Versus

The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
(Crime No.455 of 2021)

... Respondent

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 in Crime No.455 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

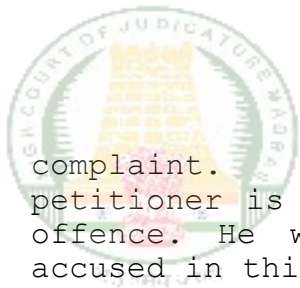
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 352 and 506(ii) of IPC, in Crime No.455 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.12.2021 at about 10.00 p.m., the petitioner at the influence of alcohol threw stone on the defacto complainant, and when he questioned the same, the petitioner said to have abused and assaulted him, thereby caused grievous injury to him. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are neighbours. As there was a quarrel between them for a long period, due to previous enmity, the defacto complainant has lodged the present false



complaint. The learned counsel would further submit that the petitioner is an innocent person and he is no way connected with the offence. He would submit that he has been falsely implicated as accused in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to a wordy quarrel, the petitioners have assaulted the defacto complainant with hands and legs, thereby, caused simple injury to him. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that on the date of occurrence, due to a wordy quarrel between the parties, the petitioner said to have assaulted the defacto complainant with hands and legs, and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, the Criminal Original Petition is allowed. 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, Tiruthuraipoondi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c] the petitioner shall not tamper with the 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 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].



[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,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
EDAIYUR POLICE STATION, TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary charges
SR.NO.15646

CRL OP.25841/2021

Date :29/12/2021

JPA 30/12/2021