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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

Cr1.O.P.No.25943 of 2021

V.Sudhakar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
F - 1, Gummidipoondi Police Station,
Thirvallur - 601 201.
Cr.No.418 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. 418 of 2021 on the file of the respondent police.

For Petitioner : Mr.Jothi Ramalingam

For Respondent : Mr.A.GokulaKrishnan

Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294b, 353, 307 of IPC in Crime No.418 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Sub Inspector of Police and during the vehicle check up, the defacto complainant stopped the vehicle of the petitioner, enraged by the said act, the petitioner attempted to assault the defacto complainant with stones and escaped from the scene of occurrence. Hence the complaint.

3.The learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated and has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the petitioner had attempted to assault the defacto complainant / Sub Inspector of Police, with stones while he was on his routine vehicle check up. He further submits that investigation is still pending and no one sustained injuries. He added that the petitioner is having two previous cases of similar nature. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, that no one is inclined this Court is inclined to grant anticipatory bail to the petitioner on imposing stringent 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 District Munsif Cum Judicial Magistrate, Gummudipoondi, 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 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. and 5.30 p.m. until further orders.

[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.

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-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMUDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
F-1, GUMMIDIPOONDI POLICE STATION,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.JOTHI RAMALINGAM Advocate on payment of necessary charges SR.NO.15633

CRL OP.25943/2021

Date :29/12/2021

JPA 30/12/2021