



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.438 of 2022

Raja

...Petitioner

Versus

The State Represented by;
The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
(Crime No.670 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.670 of 2021,on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 punishable under Sections 147, 148, 294(b), 324 and 307 IPC, in Crime No. 670 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had assaulted the de-facto complainant with weapons regarding the political issue and threatened the de-facto complainant with dire consequences. Hence this complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any such offences as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has committed very serious offences. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsels, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock-down or the commencement of the Court's normal functioning whichever is earlier before the learned Judicial Magistrate, Senthamangalam, 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 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 is directed to stay at Nanguneri, Tirunelveli District and report before the Valliyur Police Station for two months on every Tuesday and Sunday at 10.30 a.m. until further orders.

[c] the petitioner shall co-operate for the investigation;

[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 has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

12/01/2022

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,
SENTHAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT

5 THE OFFICER INCHARGE,
VALLIYUR POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges Sr.714

CRL OP.438/2022

Date :12/01/2022

RVR 25/01/2022