



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.864 of 2022

K.Sundarrajan @ Sundararajan

...Petitioner

Vs

The State rep by
Inspector of Police,
T-7, Tank Factory Police Station,
Avadi,
Chennai.
(Cr. No: 415 /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.415 of 2021 pending on the file of the respondent police.

For petitioner : Mr.S.Parthasarathy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 506(ii) I.P.C altered as 294(b), 323, 506(ii), 307 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.415 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours and there was a dispute between them in respect to using the pathway. While so, on 26.11.2021 at about 7.30 p.m., the petitioner and his son assaulted the defacto complainant with stones and caused injuries to his abdomen and chest. Hence, the complaint.



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 co-accused has been released on bail by the lower Court and this is the second application for anticipatory bail and the earlier application was dismissed by this Court in CrI.O.P.No.23300 of 2021 by order dated 07.12.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate vehemently opposed by stating that the petitioner and his son assaulted the defacto complainant with stones and caused grievous injuries to his abdomen due to which, he took treatment in ICU and during the course of treatment, the defacto complainant undergone a surgery viz., Exploratory Laparotomy + Lavage + Small Bowel Mesenteric repair on 27.11.2021 and that he was discharged from the hospital after about 1 ½ months treatment.

5. It is seen that due to the attack made by the accused the defacto complainant has sustained severe injuries and he has taken treatment for about 1½ months and he has also undergone a surgery. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.415 of 2021 and on such deposit, 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambattur, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders.

[c] The defacto complainant is permitted to withdraw the deposit amount of Rs.1,00,000/- (Rupees One Lakh Only) as interim victim compensation on proper identification and acknowledgment.



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

-sd/-

19/01/2022

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,
AMBATTUR, TIRUVALLUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
T-7 TANK FACTORY POLICE STATION,
AVADI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.PARTHASARATHY Advocate on payment of necessary charges SR.NO.792

CRL OP.864/2022

Date :19/01/2022

RW 24/01/2022