



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.797 of 2022

Arumugam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime No.2 of 2022 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.E.Kannadasan

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

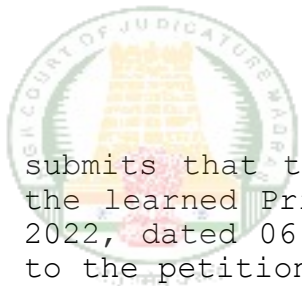
ORDER

(This 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) of I.P.C., in Crime No.2 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the civil dispute between the petitioner and the defacto complainant, it is alleged that the petitioner along with other two accused, assaulted the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further



submits that the co-accused A2 was granted Anticipatory bail by the learned Principal Sessions Judge, Krishnagiri in CrI.M.P.No.62 of 2022, dated 06.01.2022 and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for the respondent submits that investigation almost completed and there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the co-accused A2 has been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with the following condition:

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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the District Munsif cum Judicial Magistrate, Uthangarai 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 shall report before the respondent police on every Tuesday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

[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 has 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]; and;



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

WEB COPY

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.797/2022

Date :12/01/2022

JPA 24/01/2022