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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1807 of 2022

Tamilselvan ... Petitioner

Versus

State represented by
The Inspector of Police,
Ammapet Police Station,
Salem District.
(Crime No.45 of 2022) ... 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.45 of 2022 on the file of the Inspector of Police, Ammapet Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 294(b), 324, 506(2), 307 of IPC in Crime No.45 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 17.01.2022 while the defacto complainant and his friend Mohanraj were returning from mason work to their house, on the way at Kon factory Samathi, A1, A2, A3, A4 and 2 others waylaid them, A1 scolded in filthy words, assaulted defacto complainant with Aruval on his head, A3 with rod beat on leg of defacto complainant, A2, A4 and 2 others with wooden log on defacto complainant's back, face, thigh, thereafter the accused threatened to do away the life of the defacto complainant. Hence the complaint.

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

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner / A5 got 10 stitches in his head, other accused absconding. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the 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 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 No.5, Salem, 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Crime No.45 of 2022 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

[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

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imposed and the petitioner released on anticipatory 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/-
04/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.5, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.1807/2022

Date :04/02/2022

JPA 10/02/2022

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