



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2844 of 2022

MAHENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.18 OF 2022

[RESPONDENT]

For Petitioner : M/S.N.PONRAJ Advocate

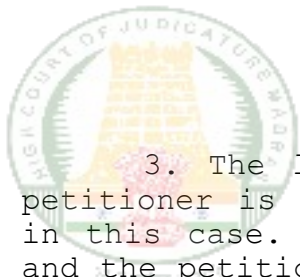
For Respondent : MR.S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 323, 324 and 506(ii) of IPC, in Crime No.18 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the husband of the defacto complainant's daughter and out of their wedlock they have two daughters. Thereafter, the petitioner started quarrelling with his wife by demanding share in the property of the defacto complainant. While being so, the daughter of the defacto complainant came to her father's house. On 16.01.2022, at about 09.30 a.m the petitioner came to the house of Defacto complainant and started quarrelling with them and inflicted knife injuries on the defacto complainant and his son. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is a case in counter and the petitioner has given a complaint before the respondent police in Crime No.19 of 2022 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that injured got discharged from hospital after the treatment. He further submitted that there is no previous case pending against this petitioner and also submitted that investigation is almost completed. However, he opposed the grant of anticipatory bail to the petitioner.

5. In view of the above submissions made by the learned counsel appearing for either side and also considering the fact that investigation is almost completed, custodial interrogation may not be necessary for completing the investigation, hence 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 days from the date of receipt of a copy of this order, before the Judicial Magistrate, Palladam 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 his 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 daily at 10.00 a.m., until further orders.

(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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
07/02/2022

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.PONRAJ Advocate on payment of necessary charges
SR.NO.2058

CRL OP.2844/2022

Date :07/02/2022

JPA 15/02/2022