



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3188 of 2022

KABALI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ANAICUT POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO.155/2019.

[RESPONDENT]

For Petitioner : M/S.G.MAGESH KUMAR Advocate

For Respondent : MR.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 apprehends arrest for the alleged offences under sections 294(b), 324 and 506(part II) of IPC in Crime No.155 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has three wives and the third wife is one Bhavani, who deserted the defacto complainant on coming to know about the earlier marriages. The defacto complainant on the impression that the petitioner and his family members informed about the previous marriages to the said Bhavani, on 23.08.2019, the defacto complainant entered into wordy altercation with the petitioner, due to which the petitioner assaulted him and abused with filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the person who sustained injuries during the alleged occurrence has been discharged from the



hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the person who sustained injuries during the alleged occurrence has been discharged from the hospital. He would further submit that there is no previous case pending against the petitioner and also the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC and as of now, the person who sustained injury, after completing the treatment, discharged from the hospital. Therefore, considering the fact that the offence committed by the petitioner are not severe and that the injured person had been discharged from the hospital, custodial interrogation of the petitioner may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 learned **Judicial Magistrate, Cheyyur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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. for a period of 15 days and thereafter, as and when required for investigation.

(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.

-sd/-

17/02/2022

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,
CHEYYUR, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAICUT POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary charges SR.NO.2468

CRL OP.3188/2022

Date :17/02/2022

TA-22/02/2022