



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3458 of 2022

RAJENDRA PRASATH

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO. 947 OF 2021)

[RESPONDENT]

For Petitioner : M/S. P.CHANDRASEKAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. 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 section 147, 148, 294(b), 324, 506(ii) IPC @ 147, 148, 294(b), 324, 506(ii) and 307 I.P.C, in Crime No.947 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused in a drunken mood abused the defacto complainant by using filthy language and also assaulted him, due to which the defacto complainant sustained simple injuries. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that in the complaint lodged by the defacto complainant for the alleged occurrence, he did not say anything about the role played by the petitioner. Hence, he pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent raised objection stating that the investigation is still pending. However, he admits that in the complaint lodged by the injured/defacto complainant, he had not mentioned anything about the petitioner.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. The fact in the present case is not in dispute. Further, the injured alone lodged the complaint before the respondent police, being the reason that the petitioner was very well aware of the persons who are all attacked him during the relevant point of time.

7. Here it is a case, in the complaint lodged before the respondent police, the injured did not say anything against the present petitioner. More than that, the defacto complainant who sustained only simple injuries, has been now discharged from the hospital and therefore, custodial interrogation may not be necessary for completing the investigation.

8. Taking all the above said aspects into consideration, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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, Thiruttani on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 not tamper with evidence or witness either during investigation or trial;

(c) 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 interrogation;

(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 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/-

14/02/2022

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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges SR.No.2355

CRL OP.3458/2022

Date :14/02/2022

CSK 17/02/2022