



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7612 of 2022

SWAMINATHAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
T-7 TANK FACTORY POLICE STATION,
CHENNAI.
(CR.NO.445/2021)

[RESPONDENT]

For Petitioner : M/S.R.SENTHILKUMAR Advocate

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

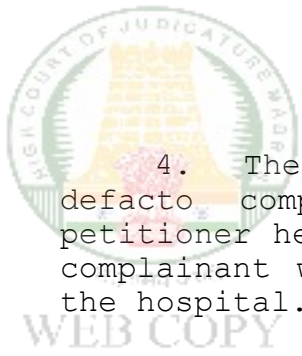
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 324 & 506(ii) of IPC in Crime No.445 of 2021 on 13.12.2021, on the file of the respondent police, seeks anticipatory bail.

2. Based on the complaint given by one Madhan Kumar alleging that the petitioner herein attacked him with iron rod causing lacerated injury and he was treated in the Avadi Government Hospital with seven stitches.

3. It is stated that when the anticipatory bail petition was moved before this Court, the petitioner has omitted Section 341 and therefore when the petitioner in compliance with the anticipatory bail condition went to report before the learned Magistrate, the surety was not taken up for consideration. Hence the present anticipatory bail petition is filed.



4. The learned Government Advocate (crl.side) states that the defacto complainant in drunken state had quarreled with the petitioner herein which ended up the petitioner assaulted the defacto complainant with iron rod. The defacto complainant discharged from the hospital.

5. Taking note of the fact that the dispute between the two neighbours residing in same residential complex, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Ambattur 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the Investigating Officer as and when required;

(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 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;



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

WEB COPY

-sd/-

05/04/2022

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
T-7 TANK FACTORY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.SENTHILKUMAR Advocate on payment of necessary charges SR.No.5164

CRL OP.7612/2022

Date :05/04/2022

CSK 07/04/2022