



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6995 of 2022

KANAKARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
KRISHNAGIRI POLICE STATION,
KRISHNAGIRI
(CRIME NO.81 OF 2022)

[RESPONDENT]

For Petitioner : P.EZHIL NILAVAN 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 herein, who apprehends arrest for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC in Crime No.81 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The petitioner is apprehending arrest based on a complaint given by one Ilangovan. The present petition is filed seeking anticipatory bail. From the F.I.R. recorded based on the complaint given by Ilangovan on 12.03.2022 indicates that there was some money transaction between the defacto complainant and the petitioner herein. On 07.03.2022, at about 7.00 a.m, when the defacto complainant went to the house of the petitioner to collect the money, there was wordy quarrel resulting in the petitioner causing injury on the defacto complainant using iron rod.



4. Learned Government Advocate (crl side) states that the injury is simple in nature and it was wordy altercation between the defacto complainant and the petitioner, which has led to said assault.

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5. Considering the nature of the offence and the belated complaint given to the police about the incident, which took place five days ago, this Court is inclined to grant anticipatory bail to the petitioner, subject to 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-II, Krishnagiri, 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 Investigating Officer daily at 10.30.a.m, until further orders;

(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.

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-sd/-
28/03/2022

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,
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI POLICE STATION,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to P.EZHIL NILAVAN Advocate on payment of necessary charges
SR.NO.4590

CRL OP.6995/2022

Date :28/03/2022

JPA 30/03/2022