



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.8141 of 2022

KAMARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPPUR.
(CRIME NO.59 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.RAMESH 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 offence under Sections 294(b), 323, 427, 506(ii) of IPC in Crime No.59 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 herein is alleged to have attacked the defacto complainant and two others with hands and legs and threatened with dire consequence and fled away from the scene of occurrence. Hence the complaint.

4. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in the case. He further submits that the petitioner was not present in the scene of occurrence. Hence, he pleads for grant of anticipatory bail to the petitioner.



5. Taking note of the overt act attributed against the petitioner by the injured person, this Court is inclined to grant anticipatory bail to the petitioner with a condition that he should deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) in this Criminal Original Petition (Crime No. 59 of 2022) without prejudice to his right and contention.

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, Dharapuram, 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 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime Number 59 of 2022 before the Judicial Magistrate, Dharapuram. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the sum of Rs.10,000/- was deposited by the petitioner to the credit of Crime Number 59 of 2022.

(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 daily at 10.30.a.m., until further orders.

(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/-

08/04/2022

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.RAMESH Advocate on payment of necessary charges
Sr.5486

CRL OP.8141/2022

Date :08/04/2022

RVR 19/04/2022