



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8749 of 2022

T.SAMPATH SHYLAJA KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
POONAMALLEE POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.208 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.RAVICHANDRAN Advocate

For Intervenor : M/S.G.PAUL EINSTEON, Advocate

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

PETITION FOR BAIL ANTICIPATORY 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 147, 148, 324 & 506(ii) of IPC, in Crime No.208 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). The de facto complainant also appeared through the counsel intervening the anticipatory bail petition.

3. The case of the de facto complainant is that due to money dispute, there is a case pending against the accused persons and to with draw the said case this petitioner along with others attacked him with deadly weapon including iron rod and wooden log. The wound certificate produced by the learned Government Advocate (crl.side) indicates that lacerated wound in the parietal region of his scalp and contusion.



4. The learned counsel for the intervenor opposed granting anticipatory bail to the petitioner on the ground that this petitioner is an habitual offender and suspended police man.

5. As far as present case is concerned, this Court finds injury alleged to have been caused are simple in nature and the de facto complainant was treated as out patient and discharged. It appears that there is already a case pending against the petitioner and other accused and due to the said animosity, the present incident had occurred. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Court No.II, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 report before the Inspector of Police, Chengalpattu Police Station daily at 10.30 a.m., until further orders;

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

(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 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;



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

WEB COPY

-sd/-
19/04/2022

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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CHENGALPET POLICE STATION,
CHENGALPET.

+1 CC to M/S.C.RAVICHANDRAN Advocate on payment of necessary charges SR.NO.5776

CRL OP.8749/2022

Date :19/04/2022

JPA 20/04/2022