



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10557 of 2022

ARAVINTH @ D.ARAVINDARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM DISTRICT.
CRIME.NO.125/2022.

[RESPONDENT]

For Petitioner : M/S.B.ARAVINTHAN Advocate

For Respondent : MR.N.S.SUGANTHAN, 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), 506(2), 341, 307 IPC in Crime No.125 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) for the respondent.

3. The case of prosecution is that the petitioner's brother's daughter and the *de facto* complainant had love affair with each other and due to which the *de facto* complainant along with co-accused said to have abused the *de facto* complainant by using filthy language and attacked the *de facto* complainant with knife and due to which the *de facto* complainant sustained injuries in head. Hence, the complaint. There are totally three accused persons in this case and the petitioner is arrayed as A1.



4. Learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he pleads for grant of anticipatory bail to the petitioner.

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5. Learned Government Advocate (Crl. Side) submits that the petitioner along with co-accused abused the *de facto* complainant with filthy language and attacked the *de facto* complainant with knife. Hence, he vehemently opposed to grant anticipatory bail to the petitioner. Learned Government Advocate further submits that the injured has already been discharged from the hospital.

6. Taking into the consideration the fact that the injured has been discharged from the hospital and the material part of the investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 IV, Salem, 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 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;

(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/-
05/05/2022

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary charges SR.NO.6818

CRL OP.10557/2022

Date :05/05/2022

TA-12/05/2022