



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.10699 of 2022

RAJESWARI

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
R2 - KODAMBAKKAM POLICE STATION,
CHENNAI DISTRICT
CRIME NO. 64/2022

For Petitioner : M/S. R.THAMARAI SELVAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

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

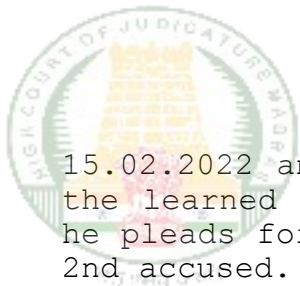
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 341, 307 and 506(ii) IPC in Crime No.64 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 case of the prosecution is that in connection with the property dispute, on 14.02.2022, A1 stabbed the defacto complainant's wife with a knife and the knife pierced the liver. Further he tried to stab the defacto complainant with the same knife. The defacto complainant's wife suffered serious injuries. Hence, the complaint.

4. The learned counsel for the petitioner submits that there is no specific allegation that this petitioner attacked the defacto complainant or his wife. The 1st accused Manigandan was arrested on



15.02.2022 and remanded to judicial custody. He was granted bail by the learned Principal Sessions Judge, Chennai on 04.03.2022. Hence, he pleads for grant of anticipatory bail to the petitioner who is the 2nd accused.

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5. The learned Government Advocate (Crl. Side) submits that the petitioner is A2. A1 has stabbed the defacto complainant's wife with a knife and she was admitted in hospital and thereafter discharged after 15 days of inpatient treatment. He further submitted that this is the third anticipatory bail application and the earlier two applications were dismissed as withdrawn.

6. Considering the fact that the prime accused who stabbed the defacto complainant's wife was granted bail and that the substantial part of the investigation would have been completed by this time, this Court finds that custodial interrogation of the petitioner is not necessary. In this view of the matter, 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 XVII Metropolitan Magistrate, Saidapet, Chennai, 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 respondent police 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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R2 - KODAMBAKKAM POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges SR.NO. 6783

CRL OP.10699/2022

Date :05/05/2022

RW 11/05/2022