



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

Friday, the Twenty Seventh day of May Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12773 of 2022

ANANDARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLORE DISTRICT. IN CRIME NO.392/2022.

For Petitioner : M/S.M.PRABAKAR Advocate

For Respondent : M/S R.S.NIRANJAN PUBLIC PROSECUTOR
FOR Mr.C.E.Pratap Government Advocate (Crl. Side)

FOR INTERVENOR : M/S S.N.ARUNKUMAR Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 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 offences punishable under Section 294(b) and 307 IPC in Crime No.392 of 2022, seeks anticipatory bail.

2. The case of the petitioner is that on 18.05.2022 at about 4 p.m., the defacto complainant had parked his vehicle at Vijayanallur toll plaza and the petitioner had also parked his Bolero car in front of the defacto complainant's car. Subsequently, the petitioner moved his car in reverse side and hit against the front side of the defacto complainant's car. When the same was questioned by the defacto complainant, there arose a petty quarrel during which, the petitioner used filthy language against the defacto complainant and his mother. Subsequently, the petitioner tried to move from there but since the defacto complainant was standing in front of the petitioner's vehicle, the petitioner started his vehicle and hit against the defacto complainant and his mother with an intention to cause death due to which, the defacto complainant sustained injury. Hence, the complaint.

3. The contention of the petitioner is that on the date of occurrence, the petitioner was driving his Maruti Car and the defacto



complainant was driving a Bolero car and that there was a small accident due to which, a petty quarrel arose between them during which, the defacto complainant jumped on the car of the petitioner and damaged his car glass due to which, the petitioner fell down and sustained injuries and a false case has been foisted against the petitioner. Hence, he would pray for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submitted that at the time of alleged occurrence, the defacto complainant and his mother were standing in front of the petitioner's vehicle and the defacto complainant was questioning the petitioner about his rash and negligent manner of driving during which, the petitioner in an inebriated condition attempted to dash against the defacto complainant with an intention to cause death and luckily, the mother of the defacto complainant escaped without injury however, the defacto complainant sustained injuries and taken treatment as inpatient and that he incurred a sum of Rs.15,000/- for his treatment. Hence, he strongly objected for the grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to pay the medical expenses incurred by the defacto complainant.

7. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital and that the petitioner has voluntarily come forward to reimburse the medical expenses incurred by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the defacto complainant and on production of receipt for the same, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate-II, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

WEB COPY [b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2022

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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLORE DISTRICT.

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CC to M/S.M.PRABAKAR Advocate on payment of necessary charges
Sr.8027

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges Sr.8210

CRL OP.12773/2022

Date :27/05/2022

RVR 01/06/2022