



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

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12841 of 2022

SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE BY THE INSPECTOR OF POLICE
S-5 PALLAVARAM POLICE STATION,
CHENNAI 600 043.
CR.NO.409 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.AGILAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR
ASST. BY MS.J.R.ARCHANA FOR RESPONDENT

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 alleged offences punishable u/s. 341, 294(b), 332, 506 (ii), I.P.C r/w Section 4(1) (j) of TNP Act in Crime No.409 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on information about a family dispute by one Maria to Police Control Room, the defacto complainant went to Maria's house, where A1 to A3 in a drunken mood were abusing the said Maria and her family in filthy language and involved in a quarrel. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offences as alleged by the prosecution. He would further submit that there is no injury. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Prosecutor appearing for the respondent submitted that when the respondent police tried to stop A1 to A3, they used filthy language and the petitioner herein who is A3, had pulled the shirt of the respondent police and torn it. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the fact that there is no injury in the said occurrence and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No-II, Tambaram. 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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 229-A IPC.

-sd/-

01/06/2022

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, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
S-5 PALLAVARAM POLICE STATION,
CHENNAI 600 043.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.AGILAN Advocate on payment of necessary charges
Sr.8277

CRL OP.12841/2022

Date :01/06/2022

RVR 03/06/2022