



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.12898 of 2022

BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
B-5, MANAVALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.175 OF 2022)

[RESPONDENT]

For Petitioner : M/S.D.BENNINGTON Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor
Assisted by M/S.J.R.ARCHANA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(ii) of IPC in Crime No.175 of 2022 and seeks anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioner abused the daughter of the de facto complainant in filthy language, due to which, she consumed poison. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent person and he is in no way connected with the alleged occurrence. Hence, he prays for granting of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner and the de facto complainant are relatives. He further submitted that while questioning about the fencing in the land, the petitioner abused the daughter of the de facto complainant, due to which, she consumed poison. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel on either side, the relationship between the parties and the cause for the occurrence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.2, Thiruvallur, on condition that the petitioner shall execute a separate 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 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 the respondent police as and when required for the interrogation.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



7. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-5, MANAVALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.BENNINGTON Advocate on payment of necessary
charges SR.NO. 8349

CRL OP.12898/2022

Date :01/06/2022

RW-03/06/2022