

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.13003 of 2022

DINESH

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
VALAPADI POLICE STATION,
SALEM.
CRIME NO.325 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.RAJKUMARFRANKLIN Advocate

For Respondent : MR.N.MUTHUVEL, 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 at the hands of the respondent police for the alleged offences punishable u/s.341, 294(b), 323, 355, 353 and 506(ii) IPC in Crime No.325 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the driver of the TNSTC bus and when he was driving the bus from Salem to Chidambaram, the petitioner stopped the bus and abused him in filthy language and attacked him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a college student, he questioned the rash and negligent driving of the bus driver, due to which a false complaint has been given against the petitioner. He would further submit that without prejudice to his defence, the petitioner is ready to tender his apologies to the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had abused the defacto complainant, who is a TNSTC bus driver and attacked him.

5.Taking into consideration of the fact that the petitioner is ready to tender his apologies to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Valapadi, 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 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] When the petitioner appear before the respondent police, the respondent police shall facilitate the petitioner to tender apologies to the defacto complainant.

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

[e]the petitioner shall not abscond either during investigation or trial.

[f]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].

[g]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,
VALAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
VALAPADI POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.RAJKUMARFRANKLIN Advocate on payment of necessary charges SR.NO.8378

CRL OP.13003/2022

Date :01/06/2022

JPA 06/06/2022