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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25363 of 2021

(*)M. Jagamani

...Petitioner

Vs

State, rep by
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
Crime No. 482 OF 2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.482 of 2021 pending on the file of the Sub Inspector of Police, Varanjaram Police Station and Kallakurichi District.

For petitioner : Mr.C.Mahendran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
(CRL.O.P.No.25363/2021)

: MR. A.GOKULAKRISHNAN,
Additional Public Prosecutor
(CRL.MP.NO.1055/2022)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 324 & 506(ii) I.P.C. in Crime No. 482 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioner abused and attacked the defacto complainant and his father-in-law and also his family members with chair and bricks. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is a case in counter against the defacto complainant and his family members and that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.24475 of 2021 dated 16.12.2021 and would pray for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection but admits that there is a case in counter.

5. Considering the facts and circumstances of the case and the fact that there is a case in counter, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Kallakurichi, 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 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 report before the respondent police on every Wednesday at 10.30 a.m., until further orders.

(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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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04/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)AMENDED AND TIME IS EXTENDED BY A PERIOD OF TWO WEEKS FOR THE PETITIONER FOR EXECUTION OF SURETIES, AS PER ORDER OF THIS COURT DATED 03/02/2022 MADE IN CRL.MP.NO. 1055 OF 2022 IN CRL.OP.No.25363 of 2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VARANJARAM POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
VARANJARAM POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to MR.C.MAHENDRAN Advocate on payment of necessary charges
SR.NO.1859

CRL OP.25363/2021

Date :04/01/2022

RW 07/01/2022

RW 14/02/2022