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Crl.O.P.No.31882 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31882 of 2024

Ayyappa alias Iyappan
S/o Kolanji, Koliruppu, Cuddalore -607 805

Petitioner(s)

Vs

State By , The Inspector Of Police
the Neyveli Thermal Police Station Cuddalore.
(Cr.No.230/2024)

Respondent(s)

For Petitioner(s):

D Ashok Kumar
M.Janan
A.R.Manikandan

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(!), 351(3) and 109 of BNS in Crime No.230 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the defacto complainant's father is running a hotel in the name of KMD at Neyveli and A1/ Veeraselvan was working as a Master in the said hotel and on 24.10.2024, a sum of Rs.40,000/- was stolen by him, while questioning the same, the said Veeraselvan accepted to repay the amount. It is further stated that on 28.10.2024, the petitioner along with other accused persons abused and assaulted the defacto complainant using knife and also threatened him with dire consequences, due to which, the defacto complainant sustained grievous injuries and admitted in hospital. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence as alleged by the prosecution and falsely implicated in this case. He would further submit that there is no motive or any previous enmity between the petitioner and the defacto complainant and he is no way connected with the occurrence and he is also ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner along with the other accused persons abused, assaulted the defacto complainant using knife and threatened the defacto complainant with dire consequences. He further submitted that the petitioner herein is arrayed as A5 and has four previous cases from 2018 to 2022. He also submitted that investigation has been completed and final report has been filed before the learned District Munsif cum Judicial Magistrate, Neyveli.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the investigation has been completed and final report also filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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



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date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate, Neyveli** 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 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.

[b] the petitioner shall report before the learned **District Munsif cum Judicial Magistrate, Neyveli on all working days at 10:30 a.m. for a period of two weeks, thereafter, on the dates fixed by the Trial Judge.**

[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



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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 269 of B.N.S.

20.12.2024

stn

To

To
1. State By , The Inspector Of Police
the Neyveli Thermal Police Station
Cuddalore.
(Cr.No.230/2024)

A.D. JAGADISH CHANDIRA, J.

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