

Crl.O.P.No.15557 of 2015**R.SUBBIAH, J.**

The petitioners, who apprehend arrest at the hands of the respondent-Police for the alleged offences punishable under Sections 147, 148, 341, 324, 379 & 307 IPC and Section 25(1)(A) of Arms Act and Section 3 of P.P.D.Act @ Sections 341, 324, 506(ii) IPC and Section 3 of P.P.D.Act 2002 in Crime No.170 of 2015 on the file of the respondent-Police, seek the relief of bail.

2.The petitioners herein have been arrayed as Accused Nos.5 & 3 respectively in this case. The complaint was lodged by one Gouthaman, who is a practicing advocate.

3.The case of the prosecution, in brief, is as follows:-

On 07.06.2015 at about 2.00 pm, the defacto-complainant along with his two friends went to Sathanur Dam by his SUV Nissan Terrano car bearing registration No.TN 12 A 8174. Suddenly, the defacto-complainant found that one Mahindra XUV chasing his car. At that time, the petitioners herein/accused dashed their motorcycle against the car of the defacto-complainant and ransacked his car with iron rod. The accused persons attacked the defacto-complainant with iron rod and caused severe injuries on his

head. Moreover, the accused persons snatched his jewels and wallet, which contains credit and debit cards, Bar Council ID. Thereafter, the 1st petitioner/5th accused came out of his car and took his pistol and pointed it on the defacto-complainant's head and threatened him with dire consequences. All the accused persons were under the influence of alcohol. Latter, they ran away from the scene of occurrence once the local people gathered there.

4.The learned counsel for the petitioners would submit that this is a false case foisted against the petitioners; that actually on the date of occurrence, the petitioners herein along with their friends went to Sathanur Dam, where the defacto-complainant also came along with some of his friends in his car; that the defacto-complainant picked up wordy quarrel with the petitioners and in the peak of the quarrel, the defacto-complainant and his friends forcibly took the the 1st petitioner/5th accused in their car and on seeing the same, the villagers followed the car and when the defacto-complainant turned his car, it dashed against a tamarind tree and the defacto-complainant sustained injuries. The learned counsel for the petitioners would further submit that in fact, the mother of the 1st petitioner has also lodged a complaint as against the defacto-complainant and others and the same was registered in Crime No.86 of 2015 under Sections

147, 323, 324, 506(i) & 363 IPC. The learned counsel for the petitioners submitted that this is a case in counter and the petitioners herein are innocent persons and they have been falsely implicated in this case. Thus, he sought for grant of bail to the petitioners.

5. The learned counsel for the intervener submitted that originally the complaint was lodged by the defacto-complainant for the offences under certain provisions of Arms Act also; but the same were dropped by the Police due the influence of the accused persons. Further, the intervener/defacto-complainant has also filed a petition in Crl.O.P.No.14715 of 2015 seeking to transfer the investigation in the case in Crime No.170 of 2015 from the file of the respondent-Police to some other investigating agency, since the respondent-Police is not investigating the case properly.

6. I have heard the learned Government Advocate (Crl.Side) also, who also opposed the grant of anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case, I am of the opinion that anticipatory bail could be granted to the petitioners by imposing stringent conditions. Accordingly, the petitioners are

directed to be released on bail, in the event of their arrest or on their appearance before the concerned Court, on each of them executing 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 learned Judicial Magistrate No.I, Thiruvannamalai, and on further condition that they shall report before the respondent-police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

8.The petitioners shall appear before the concerned Court within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

31.07.2015

SSV

R.SUBBIAH, J.

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Pre-delivery order

in

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31.07.2015