

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.3151, 3152, and 3275 of 2019

KAMALESHWARAN @ KAMALESH

[PETITIONER / ACCUSED
in CRL.O.P.No.3151 of 2019]

K.BALAMURUGAN @ BALA

[PETITIONER / ACCUSED
in CRL.O.P.No.3152 of 2019]

EMMANUVEL @ SAMRAJ

[PETITIONER / ACCUSED
in CRL.O.P.No.3275 of 2019]

Vs

THE INSPECTOR OF POLICE

M-7 MANALI NEW TOWN POLICE STATION,

MANALI NEW TOWN,

TIRUVALLUR DISTRICT

CHENNAI - 600 103

CRIME NO.31 OF 2019

[RESPONDENT

in all the petitions]

For Petitioner : M/S.G.ILAMURUGU Advocate

[in CRL.O.P.Nos.3151 & 3152 of 2019]

For Petitioner : M/S.V.MURUGESAN Advocate

[in CRL.O.P.No.3275 of 2019]

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

[in all the petitions]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 506(2) of IPC read with Section 3 of Tamilnadu Public Property (prevention of Damage & Loss) Act in Crime No.31 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that six named accused persons along with twenty others had assaulted a lorry driver and had caused damage to the lorry, since the lorry was involved in an accident which resulted in the death of the local resident.

3. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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 petitioners 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 petitioners shall report before the respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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]**.

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/02/2019

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
PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-7 MANALI NEW TOWN POLICE STATION,
MANALI NEW TOWN,
CHENNAI - 103

+2 CC to M/S.G.ILAMURUGU Advocate on payment of necessary
charges SR.NOS.2882, 2883

+1 CC to M/S.V.MURUGESAN Advocate on payment of necessary
charges SR.NO.2733

CRL OP.Nos.3151, 3152 & 3275 of 2019

Date :07/02/2019

cm 11/02/2019



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