

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17820 of 2019

1 RAHUL [PETITIONERS / ACCUSED]
2 KUMARESAN

Vs

STATE REP BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
P-3, VYASARPADI POLICE STATION,
VYASARPADI, CHENNAI-600039.
CR.NO.339 OF 2019.

For Petitioner : M/S. P. SUNDARA RAJAN Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

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 294 (b), 332, 353, 307 & 506(ii) of IPC in Crime No.339 of 2019, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2019, one Mr.Pown Raj lodged the complaint against the petitioners along with another accused attacked the defacto complainant with knife and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were nothing to do with the alleged offences and they were falsely implicated in the above case. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners names are not mentioned in the FIR and according to the confession of the first accused, the petitioners are implicated in this case. The first accused died in encounter. However, she vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 X Metropolitan Magistrate Court Egmore, at Chennai, on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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 and on further condition that:

[a] the petitioners and two blood 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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 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 229A IPC.

-sd/-
08/07/2019

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-3, VYASARPADI POLICE STATION,
VYASARPADI, CHENNAI-600039.

+1 CC to M/S. P. SUNDARA RAJAN Advocate on payment of necessary
charges SR.NO.13817

CRL OP.17820/2019

Date :08/07/2019

TA-16/07/2019