

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.19823 of 2019

1 ALEX
2 DHAMU @ DHAMODHARAN

[PETITIONERS / ACCUSED]

Vs

STATE BY,
INSPECTOR OF POLICE,
T15-SRMC POLICE STATION,
CHENNAI DISTRICT.
CR.NO. 426 OF 2019.

[RESPONDENT]

For Petitioner : SASIKUMAR S. Advocate

For Respondent : M/S.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 alleged offences punishable under Sections 447, 294(b), 323, 506(i) of IPC in Crime No.426 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint against the petitioners were abused him in filthy language and attacked with hands. It is further alleging that they threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with the alleged offence as projected by the respondent police. Further, they have been 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 FIR has been registered for the alleged offences punishable under Sections 447, 294(b), 323, 506(i) of IPC. 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 Judicial Magistrate No.I, Poonamallee on condition that each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the two 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.

सत्यमेव जयते

-sd/-

25/07/2019

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

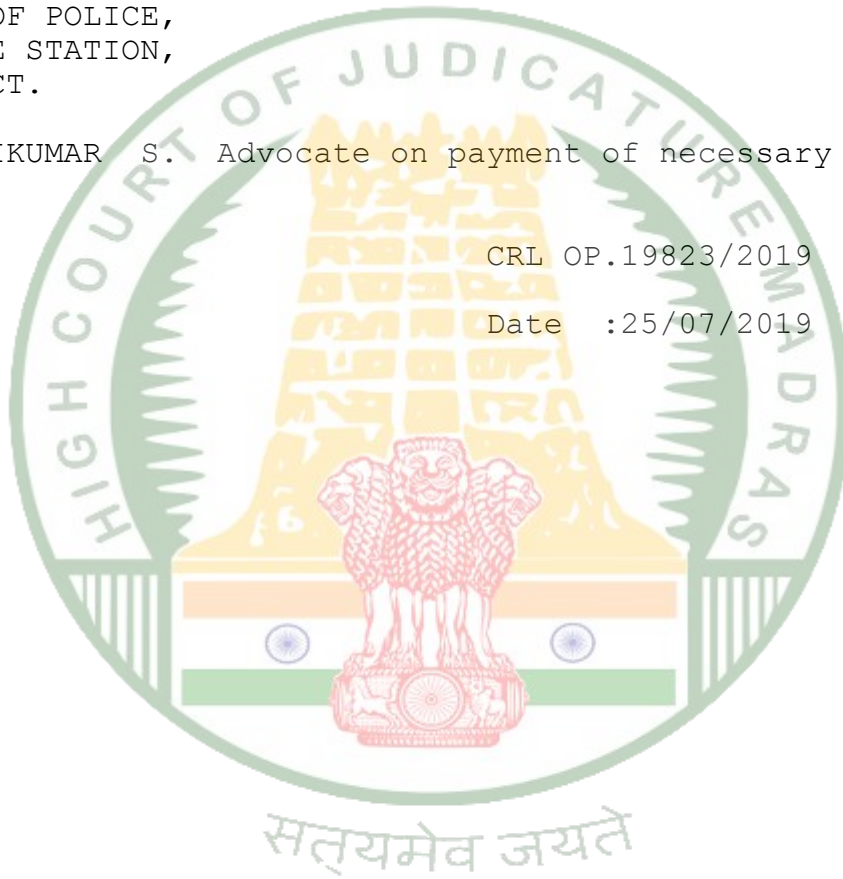
4 INSPECTOR OF POLICE,
T15-SRMC POLICE STATION,
CHENNAI DISTRICT.

CC to SASIKUMAR S. Advocate on payment of necessary charges
Sr.15365

CRL OP.19823/2019

Date :25/07/2019

RVR 31/07/2019



WEB COPY