

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION Nos.5655, 5997 & 5641 of 2020

R.DINESHRAJ @ DINESH

[PETITIONER / ACCUSED
IN CRL.OP.NO.5655/2020]

1 E.VENKATESAN

[PETITIONERS / ACCUSED

2 R.MOHAN

IN CRL.OP.NO.5997/2020]

PREMNATH

[PETITIONER / ACCUSED

IN CRL.OP.NO.5641/2020]

Vs

STATE OF TAMIL NADU

[RESPONDENT IN ALL THE PETITIONS]

REPRESENTED BY INSPETOR OF POLICE,

K-1, SEMBIUM POLICE STATION,

PERAMBUR, CHENNAI-600 011.

(CRIME NO. 199/2020)

For Petitioner : M/S. B.KALAIARASAN Advocate

[IN CRL.OP.NOs.5655 & 5641/2020]

For Petitioner : M/S. A.MANOJKUMAR Advocate

[IN CRL.OP.NO.5997/2020]

For Respondent : M/S. K.PRABAKAR, Additional Public Prosecutor

[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.5655 of 2020 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323,324 and 506(ii) IPC in Crime No.199 of 2020 on the file of the respondent police, seeks anticipatory bail.

The petitioner in Crl.O.P.No.5997 of 2020 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323,324 and 506(ii) IPC in Crime No.199 of 2020 on the file of the respondent police, seeks anticipatory bail.

The petitioner in Crl.O.P.No.5641 of 2020 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323,324 and 506(ii) IPC in Crime No.199 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during the quarrel in the funeral function, the petitioners abused the defacto complainant and assaulted and thereby caused injuries to him. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the victim has been discharged from the hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 V Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners 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 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 daily at 10.30 a.m., and 05.30 p.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

16/03/2020

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.V, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPETOR OF POLICE,
K-1, SEMBIUM POLICE STATION, PERAMBUR, CHENNAI-600 011.

+4 CC to M/S. B.KALAIARASAN Advocate on payment of necessary charges SR.Nos.5113 & 5114

+1 CC to M/S. A.MANOJKUMAR Advocate on payment of necessary charges SR.No.5100

CRL OP.Nos.5655, 5997 & 5641/2020

Date :16/03/2020

cs 12/05/2020