

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.Nos.7791 & 7792 of 2020

1.Justin @ Velmurugan, M/25 years,
S/o.Manickam,
No.193, Palla Street,
Athur Village,
Chengalpattu Taluk,
Kancheepuram District.

2.Yuvaraj, M/28 years,
S/o.Sukkaram,
No.43, Anna Nagar,
Thimmavaram,
Chengalpattu Taluk,
Kancheepuram District.

.. Petitioners/Accused 4 & 5
(in Crl.O.P.No.7791 of 2020)

1.Kutty @ Vijay, M/25 years,
S/o.Anbu,
No.168, Palla Street,

Athur Village,
Chengalpattu Taluk,
Kancheepuram District.

2.Surya Prakash @ Sathiyapriyan, M/19 years,

S/o.Kannan,

No.245, Kannikoil Street,

Athur Village,

Chengalpattu Taluk,

Kancheepuram District.

.. Petitioners/Accused

(in Crl.O.P.No.7792 of 2020)

Vs.

State represented by

The Inspector of Police,

Chengalpattu Taluk Police Station,

Chennai.

..Respondent/Complainant

(in both cases)

(Crime No.465 of 2019)

Common Prayer: Criminal Original Petitions filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners

:

Mr.K.Thenrajan

(in both cases)

For Respondent

:

Mr.M.Jothikumar

Additional Public Prosecutor

(in both cases)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for alleged offence punishable under Sections 147, 148, 294(b), 307 and 506 (ii) of Indian Penal Code, 1882 in Crime No.465 of 2019, seek anticipatory bail.

2.The case of the prosecution is that on 02.09.2019, at 12.00 p.m., due to previous enmity, the defacto complainant's son and his friends went to the house of A1 and quarrelled with A1. At that time, A1 and other accused tried to attack the defacto complainant's son and others. They escaped from the house of A1 in the bike. A1 and others chased them in two cars and dashed against the motorbike in which the defacto complainant's son was riding. The defacto complainant's son and one Karthik suffered minor injuries and escaped, as A1 and others tried to chase them in car. On complaint, case has been registered under Sections 147, 148, 294(b), 307 and 506 (ii) of Indian Penal Code, 1882.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated by the prosecution. Co-accused was enlarged on bail on 31.10.2019 in Crl.O.P.No.27927 of 2019. The petitioners are willing to furnish sureties and abide by any conditions that may be imposed by this Court. The petitioners will not tamper the witness and hamper the investigation and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that due to enmity between the defacto complainant and A1, the petitioners attempted to murder the defacto complainant's son and his friends. On complaint, case has been registered and investigation is pending and prayed for dismissal of both the petitions.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of offence alleged against the petitioners, date of occurrence and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this common order before the Court of Judicial Magistrate No.II, Chengalpattu, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 Judicial Magistrate No.II, Chengalpattu, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(i)The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities;

(ii)The petitioners shall report before the respondent Police once in a week on every Monday at 10.30 a.m. until further orders;

(iii)The petitioners shall not abscond either during investigation or

trial. The petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv)On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as laid down in the decision of the Hon'ble Supreme Court reported in **(2005) AIR SCW 5560, [P.K.Shaji Vs. State of Kerala]** and

(v)If the accused thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

7.Accordingly, both the Criminal Original Petitions are allowed.

22.05.2020

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Index : Yes / No

Internet : Yes / No

Speaking/Non-speaking order

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To

1.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chennai.

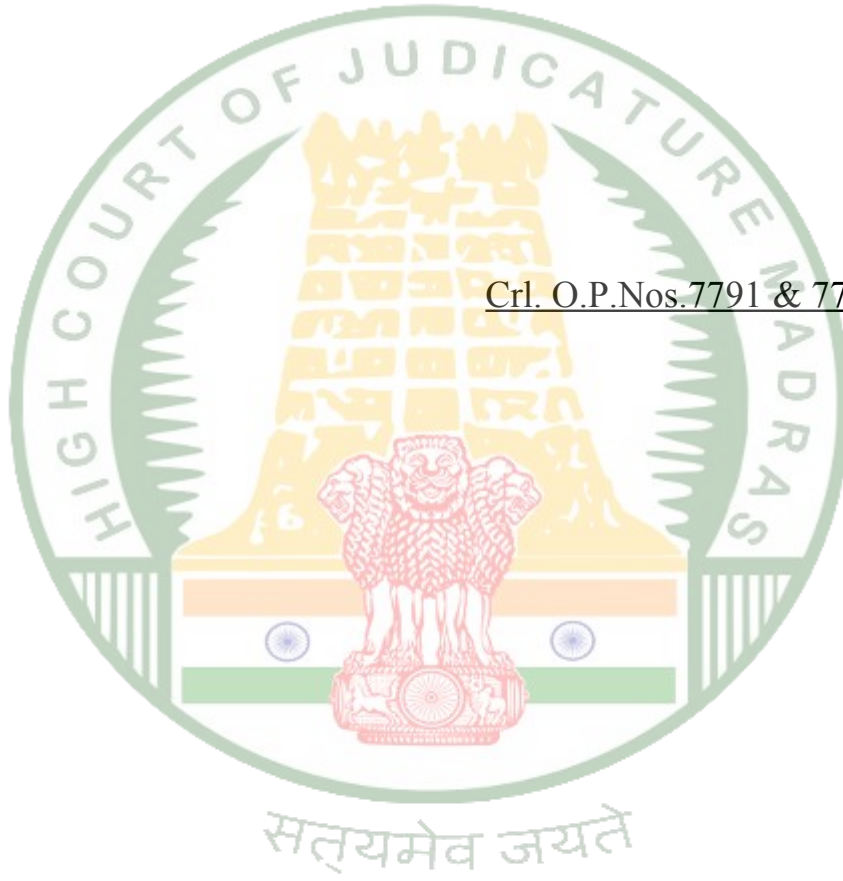
2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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