

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM :

THE HONBLE MR. JUSTICE.N.ANAND VENKATESH

Crl.O.P.No.8314 of 2020

1. Prem @ Premkumar
2. Dinesh
3. Gunasekaran
4. Vinith
5. Sundar
6. Karthik
7. Gokul
8. Subash

... Petitioners

VS.

State represented by.
The Inspector of Police,
Chithamoor Police Station,
Kanccheepuram District.

... Respondent

Prayer :- Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.454 of 2020 the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.Mohammad Riyaz,

Additional Public Prosecutor

ORDER

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 448, 323, 324 & 506(ii) IPC r/w Section 4 of TNPHW Act in Crime No.454 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had a dispute with the son of the defacto complainant and they were involved in a wordy quarrel in a TASMACH Bar and after nearly 1 ½ months, the accused persons are said to have visited the house of the defacto complainant and involved in a wordy quarrel. This ultimately ended up in the parties coming to blows and 3 persons were injured out of which 2 persons sustained head injuries. Totally, there are 8 accused in this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely roped in this case and they have nothing to do with the alleged offence.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that all the three persons who were injured, were discharged from the Hospital. The learned counsel further submitted that there is a previous enmity between the parties and there are no previous cases pending against these petitioners.

5. This Court is of the opinion that the petitioners can be

directed to deposit a sum of Rs.1,000/-each (Rupees one thousand only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

5. Taking into consideration the facts and circumstances, 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 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, Mathurantakam** on condition that the petitioners 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 stands 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 deposit a sum of Rs.1,000/- each (Rupees One Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).**

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[c] the petitioners shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial. [f] 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]**.

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

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