

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE ANAND VENKATESH

CrI.O.P.No.8917 of 2020

1.A.Mohan ..Petitioners/Accused
2.J.Arul 1 to 4
3.K.S.Kavikumar
4.S.Senthilkumar

Vs.

State represented By ... Respondent
The Inspector of Police
Selaiyur Police station,
Chennai-600 073
Crime No. 861/2020.

Prayer: Petition filed u/s.438 Cr.P.C., seeking anticipatory bail praying to enlarge the petitioners on bail in the event of their arrest in Crime No.861/2020.

For Petitioners : Mr.D.Saikumaran

For Respondent : Mr.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(I) of IPC in Crime No.861 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute over a pathway between 1st accused and defacto complainant. On the date of incident, the accused persons are said to have abused the defacto complainant in a filthy language and intimidated him and also caused him simple injuries. There are totally four accused persons in this case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence. Hence, he prays to grant anticipatory bail to the

petitioners.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police on instructions submitted that the injured has been discharged from the hospital and there is one previous case as against the 1st accused and there are no previous cases as against the other accused persons.

5.Considering the facts and circumstances of the case, 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 No.I, Tambaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five 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 conditions 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation and the petitioners 2 to 4 shall report before the respondent police as and when required.

[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 229-A IPC.

-sd/-
18/06/2020

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 JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
CHENNAI-600073.

CC to M/S D.SAIKUMARRAN Advocate on payment of necessary charges

CRL OP.8917/2020

Date:18/06/2020

TA-26/08/2020

WEB COPY