

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.9046 of 2020

1.M.Rajaram
2.Moorthy
3.Gokul
4.Vignesh
5.Harish

..Petitioners

/vs/

State rep. by
Inspector of Police,
B2-Vishnu Kanchi Police Station,
Kancheepuram.
(Crime No.2117/2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.2117 of 2020, on the file of the respondent police.

For petitioners : Mr.P.G.Santhosh Kumar

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 448, 323, 324, 506(2) of IPC and 3(1) of TNPPDL Act, in Crime No.2117 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the accused persons and the defacto complainant and as a result of the same, the defacto complainant was abused, intimidated and attacked, resulting in him, sustaining simple injuries.

3. The learned counsel for the petitioners submitted that these petitioners have nothing to do with the alleged offences and false case have been foisted against them.

4. The learned Additional Public Prosecutor submitted that there are totally eight accused persons in this case and the petitioners are ranked as A1, A3, A5, A6 and A8 respectively. The learned counsel further submitted that the accused persons caused damage to the shop to the tune of Rs.5,000. It was further submitted that the defacto complainant was discharged and there are no previous cases against these petitioners.

5. Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, these petitioners are directed to deposit a sum of Rs.1,000/-(Rupees one thousand only) (each) directly to the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157) and on such deposit, 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, Kancheepuram, on condition that the petitioners shall execute a 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 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 police, 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/06/2020

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, KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B2-VISHNU KANCHI POLICE STATION,
KANCHEEPURAM.

4 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

CRL OP.9046/2020

Date :19/06/2020

cs 04/08/2020