

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10039 of 2020

1. Bharani @ Bharanidharan ... Petitioners/Accused  
2. M.K.Karthick  
3. Sarath @ Sarathkumar  
4. Arun @ Arunkumar

Vs.

The State rep. By ... Respondent/Complainant  
The Inspector of Police,  
Maraimalai Nagar Police Station,  
Maraimalai Nagar.  
(Crime No. 2340 of 2020)

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioners on bail in the event of their  
arrest in Crime No.2340 of 2020 on the file of the respondent police.

For Petitioners : Mr. R.Thirumoorthy

For Respondent : Mr.M.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 341, 323, 324, 506 (ii) of I.P.C., in Crime No.2340 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the rowdies, whereas the defacto complainant did not show respect to them. As a result, they attacked the defacto complainant with hands and stones and also threatened him dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and the injured discharged from the hospital. He would further submit that the 1<sup>st</sup> petitioner has two previous cases out of which one case is a murder case and there is no previous case as against the petitioners 2 to 4. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4, and since the 1<sup>st</sup> petitioner has two previous cases, out of which one case is a murder case, this petition is dismissed as against the 1<sup>st</sup> petitioner.

6. Accordingly, the petitioners 2 to 4 are ordered to be released on anticipatory 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.II, Chengalpattu, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood relative 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 2 to 4 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 2 to 4 shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
03/07/2020

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.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
MARAIMALAI NAGAR POLICE STATION,  
MARAIMALAI NAGAR.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.10039/2020

Date :03/07/2020

TA-29/07/2020

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