

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.595 of 2021

1.Bhava Ussain ... Petitioners/Accused
2.Ali @ Bhava Allah Bagash
3.Alla Basha
4.Alla Bagash @ Bhadusha
5.Razaak @ Patel
6.Kamal
5.Bhava ishrak ali

-Vs-

State rep by, ... Respondent/Complainant
Inspector of Police,
T-1, Thiruttani Police Station,
Tiruvallur.
(Crime No.07 of 2021)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioners on bail in the event of their arrest in Crime No.7 of 2021 on the file of the respondent police.

For Petitioners: Mr.K.Nivesh Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioners, who were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 294(b), 323, 324 and 506(2) of IPC, in Crime No.7 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity a wordy quarrel arose between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused abused and attacked the defacto complainant and also caused simple injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely

implicated in this case. He would further submit that they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been treated as out-patient. He would further submit that there are no previous cases as against the petitioners. However, he vehemently opposed grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the injured has been treated as out-patient, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate, Thiruttani, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 respondent/police 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 the 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/01/2021

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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-1, THIRUTTANI POLICE STATION,
TIRUVALLUR.

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

सत्यमेव जयते CRL OP.595/2021

Date :22/01/2021

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MN-03/02/2021