

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1093 of 2021

1. Pazhani
2. Velaayudham
3. Raja
4. Venkatesan
5. Kannan

... Petitioners

Vs.

State rep. by
The Inspector of Police
T-4, Maduravoyal Police Station,
Madhuravoyal
(Crime No. 10 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police connected with Crime No.10 of 2021 on the file of the respondent police.

For Petitioners: Mr.R. S. Rangabashyam

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 143, 451, 294(b) and 506(i) of Indian Penal Code 1860, in Crime No.10 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant belong to two different political parties. Due to which there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners have abused the defacto complainant with filthy language and attacked him and caused injuries to him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate would submit that due to political dispute the petitioners have abused the defacto complainant with filthy language and attacked him and caused injuries to him. He would further submit that the injured discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that only due to wordy quarrel the occurrence has taken place and the injured discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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 Court-II, Poonamallee, on condition that the petitioners shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 petitioner 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.

With the above directions this Criminal Original petition is ordered.

-sd/-
26/02/2021

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 COURT-II,
POONAMALLEE.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
MADHURAVOYAL.

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

CRL OP.1093/2021

Date :26/02/2021

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MN-16/03/2021