

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1411 of 2021

1.Muthuvel
2.Nandakumar
3.Sarath Kumar @ Katla
4.Dinakaran
5.Yuvan Raj @ Yuvanraja
6.Hariharan @ Harikrishnan ... petitioners

Vs.

State rep. by
The Inspector of Police,
Muthupattai Police Station,
Thiruvavarur District.
(Crime No.26 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 their arrest pending investigation in Crime No.26 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.Muruganantham

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 352, 506(II) of IPC and Section 3(1) of TNPPDL Act in Crime No.26 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused said to have attacked the defacto complainant and caused damaged to the two wheeler of the defacto complainant and caused injury. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners said to have attacked the defacto complainant and caused injury and also caused damage to the two wheeler of the defacto complainant. He would further submit that A1, A2 , A5 and A8 were arrested and still they are in custody. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the nature of offence and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- each (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 shall deposit jointly a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.26 of 2021 within a period of 15 days;

[b] 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness 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/-
02/02/2021

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPATTAI POLICE STATION,
THIRUVARUR.

+1CC to M/S T.MURUGANANTHAM Advocate on payment of necessary charges SR NO.1074

CRL OP.1411/2021

Date :02/02/2021

MK:08/02/2021

WEB COPY