

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1333 of 2021

1.A.Aksah @ Aakash ... petitioners
2.M.Yogaraj
3.M.Praveen @ Praveenraj
4.Mathan @ Mathankumar
5.Nanthish @ Natheeskumar
6.Aravinth @ Aravintharajan
7.Dinesh @ Dineshkumar
8.Bose @ Subash Chandra Bose
9.Rajendran

Vs.

State rep. By ... Respondent
The Inspector of Police,
Vikrapandiyam Police Station,
Thiruvavur District.
(Crime No.43 of 2021)

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 in Crime No.43 of 2021 on the Respondent Police.

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 324, 336, 506(ii) IPC 1882 r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.43 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 her relatives and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners along with A1 and A2 are same villagers and they were arranging the programs for celebrating Pongal Festival, at that time, the defacto complainant and her friends questioned the same. In the melee, a wordy quarrel arose among themselves and attacked each other. He would further submit that it is a case in counter in Cr.No.44 of 2021. 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 her relatives and caused injuries. He would further submit that the injured has been discharged from the hospital. He further submitted that there is no bad antecedents against the petitioners.

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 is 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 II, Mannargudi, Thiruvarur District, on condition that the petitioners 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] 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]**.

[६] 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,
NO.II, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIKRAPANDIYAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.1333/2021

Date :02/02/2021

TA-11/02/2021

सत्यमेव जयते

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