

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2553 of 2021

1 PRABHAKARAN
2 MANIBHARATH
3 D.VICHU

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE
K-2, AYANAVARAM POLICE STATION,
AYANAVARAM,
CHENNAI-600 023.
CR. NO. 169/2020

[RESPONDENT]

For Petitioner : M/S.K.GOKULRAM Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are A1 to A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294, 324 and 506(ii) of IPC r/w Section 4 of Women Harassment Act, in Crime No.169 of 2020 on the file of the respondent police, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute there was a wordy quarrel between the petitioners and the defacto complainant and it is alleged that the petitioners along with others attacked the defacto complainant with iron rod and caused injury. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. He further submitted that earlier the petitioners filed CrI.O.P.No.6666 of 2020 before this Court seeking anticipatory bail and this Court by an order dated 20.03.2020 granted anticipatory bail to the petitioners. As the order copy was made ready on 27.05.2020 and the same was received by the petitioner's counsel on 13.10.2020 due to COVID-19

restrictions, the petitioners were not able to comply the conditions imposed in the order dated 20.03.2020. Hence, they filed Crl.M.P.No.7432 of 2020 in Crl.O.P.No.6666 of 2020 seeking extension of time for complying with the conditions imposed in the anticipatory bail order. However, this Court by an order dated 16.12.2020 dismissed the said Crl.M.P. with liberty to the petitioners to file a fresh petition. Hence, the petitioners have filed the present petition seeking anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the earlier occasion this Court has granted anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) 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 of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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 appear 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) The petitioners shall not abscond either during investigation or trial.

(f) 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/02/2021

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
K-2, AYANAVARAM POLICE STATION,
AYANAVARAM,
CHENNAI-600 023.

+1 CC to M/S.K.GOKULRAM Advocate on payment of necessary charges
SR.No.2234

CRL OP.2553/2021

Date :23/02/2021

cs 09/03/2021