

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2310 of 2021

1. Palani @ M.G.Senthil Palanivel ... Petitioners
2.Dinesh
3.Hemanth

Vs.

The State Rep. by
The Inspector of Police, Respondent
Arakkonam Taluk Police Station
Ranipet District.
(Crime No.33 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 his arrest in Crime No.33 of 2021 pending investigation on the file of the Respondent.

For Petitioners: Mr.C.Gauthamraj

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

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 506(1) and 379 of I.P.C., in Crime No. 33 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that during the pongal festival, there was a wordy quarrel between the defacto complainant and the petitioners, since they were in inebriated mood, as a result of which, they said to have attacked the defacto complainant and also snatched a chain. In the said circumstances, the criminal case has been registered against the petitioners. Now apprehending arrest, the present petition has been filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that they are innocent persons and they are no way connected with the offence. He would submit that they have been

falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that during the Pongal festival, there was a wordy quarrel between them, since they were in inebriated mood and the petitioners have attacked the defacto complainant and also snatched a chain. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the occurrence took place during the Pongal festival, in which, there was a wordy quarrel between them and the injured was discharged from the hospital, 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 Judicial Magistrate, Arakkonam, Ranipet District on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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/-
11/02/2021

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,
ARAKKONAM, RANIPET DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.C.GAUTHAMRAJ Advocate on payment of necessary charges SR NO. 1494

सत्यमेव जयते

CRL OP.2310/2021

Date :11/02/2021

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