

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2778 of 2021

Anbu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mamallapuram Police Station
Chengalpattu Dt.
(Crime No.24/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.24 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Kavikannan

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

ORDER

(The case has been heard through video conference)

Totally, there are ten accused and the petitioner is arrayed as A3. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 435, 307 of I.P.C. r/w 3(1) of TNPPDL Act, in Crime No. 24 of 2021, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there is a clash between two groups, in which, the accused persons said to have attacked the defacto complainant, and caused injury. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that it is case in counter. He would submit that earlier, the petitioner was attacked by the defacto complainant, and they have given a complaint, which was registered in Crime No.23 of 2021, as a

counterblast, the present complaint has been filed. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case in counter and now the investigation is also completed. He would submit that the co-accused was also released on bail and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the co-accused was arrested and released on bail and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirukazhukundram on condition that the petitioner 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, 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 petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner 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/-
17/02/2021

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,
THIRUKAZHUKUNDRAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MAMALLAPURAM POLICE STATION,
CHENGALPATTU DISTRICT.

+2 CC to M.KAVIKANNAN Advocate on payment of necessary charges
SR NO. 1743

सत्यमेव जयते

CRL OP.2778/2021

Date :17/02/2021

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