

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2929 & 3140 of 2021

A.M.VEERAMANI @ A.M.DURAI VEERAMANI [PETITIONER / ACCUSED
IN CRL.O.P.NO.2929/2021]

PRAVEEN RAJ [PETITIONER / ACCUSED
IN CRL.O.P.NO.3140/2021]

Vs

STATE REP BY, [RESPONDENT IN CRL.O.P.NO.2929/2021]
THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
AMBATTUR.
CR NO.62/2021.

THE INSPECTOR OF POLICE, [RESPONDENT IN CRL.O.P.NO.3140/2021]
THIRUMULLAIVOYAL POLICE STATION,
CHENNAI.
CR NO.62/2021.

For Petitioner : M/S.S.PRABAKARAN, Senior Counsel, for
M/S.MA.GOUTHAMAN Advocate
[CRL.O.P.NO.2929/2021]

For Petitioner : M/S.S.PRABAKARAN, Senior Counsel, for
M/S.D.JAYAPRIYA Advocate
[CRL.O.P.NO.3140/2021]

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P 2929 of 2021 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 307 and 506(i) of IPC in Crime No.62 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The petitioner in CrI.O.P 3140 of 2021 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 307 and 506(i) of IPC in Crime No.62 of 2021, on the file of the respondent police, seek anticipatory bail.

3. Totally there are ten accused in this case and the petitioners herein are A6 and A10. The case of the prosecution is that the petitioners and the defacto complainant belong to two different political parties. Due to which there was enmity between them and the petitions said to have attacked the defacto complainant. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that due to political enmity the defacto complainant has lodged a false complaint against the petitioners. He would further submit that some of the co-accused were arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor appearing for the respondent opposed the anticipatory bail application stating that the petitioners belongs to a rival political party and the petitioners herein only instigated the other petitioners to attack the defacto complainant and caused injuries to him. He would further submit that some of the co-accused were released on bail and the injured discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration, the facts and circumstances of the case and the fact that due to enmity between two political groups, the occurrence has taken place and some of the co-accused were arrested and released on bail and the injured also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7. 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 made ready, before the Judicial Magistrate Court, Ambattur, on condition that the petitioner shall execute a 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:

[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 as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioner 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

03/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
AMBATTUR.

<https://hcservices.ecourts.gov.in/hcservices/>

4 THE INSPECTOR OF POLICE,
THIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

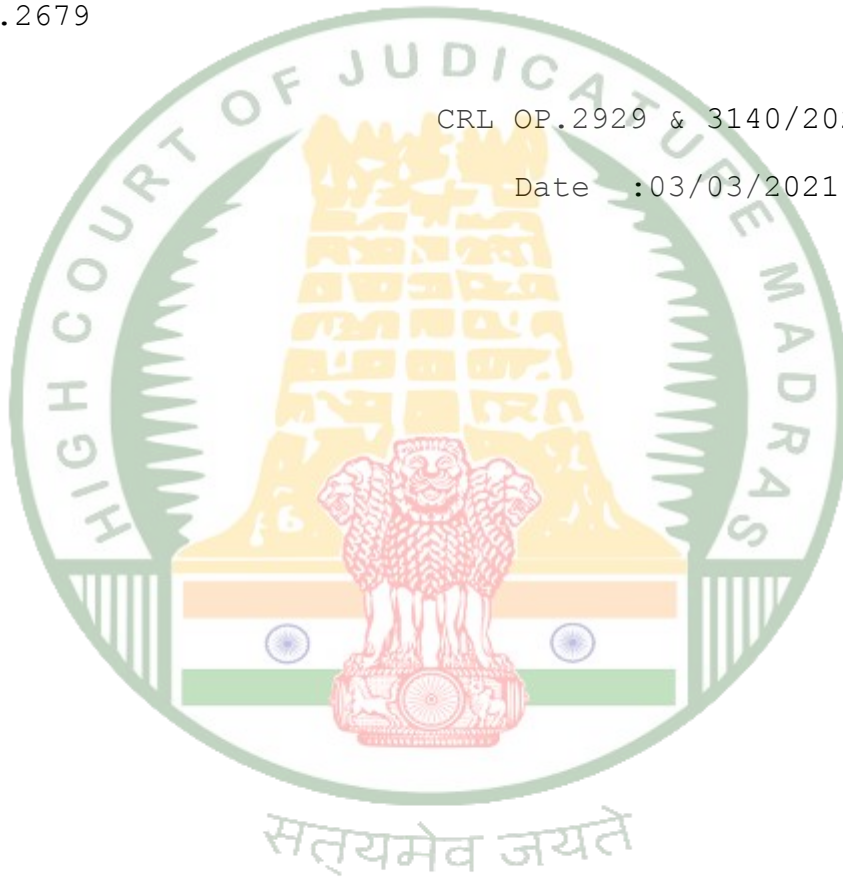
+1 CC to M/S.MA.GOUTHAMAN Advocate on payment of necessary
charges SR.NO.2816

+2 CC to M/S.P.JAYAPRIYA, Advocate on payment of necessary
charges SR.NO.2679

CRL OP.2929 & 3140/2021

Date :03/03/2021

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