

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3034 of 2021

MEGA @ MEGANATHAN

[PETITIONER/ACCUSED-8]

Vs

THE INSPECTOR OF POLICE
H6 RK NAGAR, POLICE STATION,
CHENNAI DISTRICT.
CRIME.NO.3764 OF 2020

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.M.SILAMBARASAN 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 petitioner/A8 apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 341, 294(b), 427, 307 and 506(ii) of IPC, in Crime No.3764 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to some previous enmity between A1 and one Saravanan, all the accused said to have planned to commit murder, and in pursuant to the same, on 24.12.2020, they chased the car of said Saravanan, as he escaped from the spot, all the accused attacked the driver of the said car and caused serious injuries. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He was present at the place of occurrence and there is no specific overtact. He would further submit that injured has been discharged from the hospital. The Co-accused were arrested and released

on bail. Hence, he seeks anticipatory bail to the petitioner

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all are rowdy elements and they have planned to murder one Saravanan, and luckily, he escaped, in turn, they brutally attacked the driver and caused serious injuries. He would further submit that the co-accused were arrested and released on bail.

5. Considering the said facts and circumstances of the case and the fact that no specific overtact has been attributed as against the petitioner and the co-accused were granted bail, this Court is inclined to grant anticipatory bail to the petitioner/A8, 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 XV Metropolitan Magistrate, George Town, Chennai, 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:

(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 daily at 10.30 a.m. until further orders.

(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 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/-
02/03/2021

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
H6 RK NAGAR, POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.M.SILAMBARASAN Advocate on payment of necessary charges SR.NO.2639.

CRL OP.3034/2021

Date :02/03/2021

EP-10/03/2021

WEB COPY