

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3154 of 2021

1.C.Sumanraj
2.M.Mathi

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
Mamallapuram Police Station,
Kancheepuram District.
(Crime No.24 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent in Cr.No.24 of 2021 on the file of the respondent herein.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 and A5. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 435, 307, and 506(ii) of I.P.C. r/w Sec 3 (1) of Prevention of Damage to Public Property Act, 1984, in Crime No.24 of 2021, and now, they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that when both the petitioners and the defacto complainant in an inebriated mood attacked each others thereby caused injury to him. The petitioners have also given a counter complaint in Crime No.23 of 2021. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted

that it is case in counter. He would submit that earlier, the petitioners 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 they are innocent persons and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

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 there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between the parties, now it is stated that a counter case was registered against the defacto complainant, the injured was discharged from the hospital, and there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

(a) Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate, Thirukazhukundram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each 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;

[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

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,
KANCHEEPURAM DISTRICT.

+1 CC to G.MAGESHKUMAR Advocate on payment of necessary charges
SR.NO.2344.

WEB COPY

CRL OP.3154/2021

Date :24/02/2021

EP-01/03/2021