

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3919 of 2021

Tamilselvan

... Petitioner

-Vs-

State Rep by

The Inspector of Police,

V-5 Thirumangalam Police Station,

Anna Nagar , Chennai.

(Crime No.1269/2017)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of arrest in Crime No.1269 of 2017, pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A2. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 147, 148, 307 of I.P.C. in Crime No.1269 of 2017 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that A2 and the defacto complainant belong to same political party and there is intra party dispute. Hence, the petitioner said to have abducted him with hirelinks and assaulted him. In the said circumstances, the criminal case has been registered against him and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that due to some intra-party dispute, the petitioner has been included in the present case. He would submit that he is an innocent person, he is no way connected with the offence as alleged in the complaint and he has been falsely implicated in this case. He would submit that the other arrested accused are released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that as the petitioner is having motive with the defacto complainant, he has abducted hirelinks and attacked him, thereby caused injury. He would submit that the other arrested accused are released on bail. He would also submit that now the investigation is also completed 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 occurrence was taken place due to a intra-party quarrel between the parties, the injured was discharged from the hospital, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, 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 XIII Metropolitan Magistrate, Egmore, Chennai 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 daily at 10.30 a.m. for the period of two weeks and thereafter 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/-
01/03/2021

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 THE METROPOLITAN MAGISTRATE NO.XIII,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-5, THIRUMANGALAM POLICE STATION,
ANNA NAGAR, CHENNAI.

+1CC to M/S. K.SELVARAJ Advocate on payment of necessary charges SR NO.2651

CRL OP.3919/2021

Date :01/03/2021

MK:08/03/2021

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