

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3593 of 2021

1. C.Tamilarasu ... Petitioners
2. S.Alex @ Stephen Alex @ Pradeep

-Vs-

State Rep. By ... Respondent
The Inspector of Police,
M1, Madhavaram Police Station,
Chennai District.
(Crime No.1161 of 2014)

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioners on bail in the event of their arrest in Crime No.1161 of 2014 on the file of the respondent police.

For Petitioners : Mr.G.Balamanikandan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 341, 324, 506(i) of IPC, in Crime No.1161 of 2014, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners along with A1 had attacked the defacto complainant and threatened with dire consequences and caused injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioners. Hence, he prayed

for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners along with A1 had attacked the defacto complainant and threatened with dire consequences and caused injuries. He would further submit that there is no previous case pending as against the petitioners and the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and that there is no previous case pending as against the petitioners and the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

[a] 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Madhavaram, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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:

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

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

[e] the petitioners 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 are 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 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,
MADHAVARAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M1, MADHAVARAM POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.2329.

CRL OP.3593/2021

Date :24/02/2021

EP-11/03/2021

WEB COPY