

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3846 of 2021

1 DHAMOTHARAN
2 MANIKANDAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MADHURAVOYAL POLICE STATION,
CHENNAI
(CRIME NO.38/2020)

[RESPONDENT]

For Petitioner : M/S.M.ASWIN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 336, 506(ii) of I.P.C and Section 41 of Tamil Nadu City Police Act 1888, in Crime No.38 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had celebrated his friends birthday in the public road, at that time, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused persons had abused and attacked the defacto complainant and caused injures. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that co-accused have already been arrested and thereafter they were released on bail. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners along with other accused persons had abused and attacked the defacto complainant and caused injuries. She would further submit that the injured person has been discharged from the hospital and co-accused have already been arrested and thereafter they were released on bail. Hence, she vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that co-accused were released on bail and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 learned Judicial Magistrate, Poonamallee-II, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 this 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
26/02/2021

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,
POONAMALLEE-II.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHURAVOYAL POLICE STATION,
CHENNAI

CC to M/S.M.ASWIN Advocate on payment of necessary charges

CRL OP.3846/2021

Date :26/02/2021

MK:11/03/2021

सत्यमेव जयते

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