

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4157 of 2021

1 SHARON [PETITIONER/ACCUSED 1 & 2]  
2 SHARWIN @ RAJESH

Vs

STATE REP BY [RESPONDENT/COMPLAINANT]  
THE INSPECTOR OF POLICE,  
PUZHAL POLICE STATION,  
CHENNAI DISTRICT  
(CRIME.NO.39/2021)

For Petitioner : M/S.S.P.MEENAKSHI SUNDHARAM 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 petitioners are arrayed as A1 and A2. They have been charged with for the offence punishable under Sections 294(b), 341, 323 and 506(i) of I.P.C. in Crime No.39 of 2021 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that on the date of occurrence, due to previous enmity, there was a quarrel between them, in which, the petitioners said to have attacked the defacto complainant, thereby caused injury. Hence, the present complaint has been filed against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of

anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that now the investigation is also completed and the injured was discharged from the hospital. 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, 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 his 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, Madhavaram, 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/-

03/03/2021

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 JUDICIAL MAGISTRATE,  
MADHAVARAM.

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

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PUZHAL POLICE STATION,  
CHENNAI DISTRICT.

+1 CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of  
necessary charges SR.NO.2740.

CRL OP.4157/2021

Date :03/03/2021

EP-11/03/2021

WEB COPY