

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.4453 of 2021

1 PRABHU
2 MURUGAN
3 SELVAM

[PETITIONERS / ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.71 OF 2021.

[RESPONDENT]

For Petitioner : M/S. A.SARANRAJ Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 147,148,307,324 of I.P.C, in Crime No.71 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 7 accused in this case and the petitioners herein are A1, A5 and A7. The allegation is that the petitioners and the defacto complainant are politicians and there was some inter party dispute between them. Due to which the petitioners attacked the defacto complainant with knife and caused injuries. Hence, the crime was registered.

3.The learned counsel for the petitioners would submit that due to political enmity between the petitioners and the defacto complainant the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that due to political enmity, all the accused persons, including the petitioners, joined together and attacked the injured and caused grievous injuries to him. He would further submit that the injured discharged from the hospital and A7 was already arrested and enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the fact that there was a political dispute between the parties and the injured discharged from the hospital and A7 was already arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed 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 Judicial Magistrate Court, Cheyyar, Thiruvannamalai District on condition that the petitioners shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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.

With the above directions, this Criminal Original petition is ordered.

-sd/-
08/03/2021

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 COURT,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to M/S. A.SARANRAJ Advocate on payment of necessary charges SR NO.3064

CRL OP.4453/2021

Date :08/03/2021

MK:16/03/2021

WEB COPY