

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4874 of 2021

1 K.RAJESH
2 S.RAHUL RAJ
3 P.RAJKUMAR
4 D.DILIPKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT
(CR.NO.102/2021) [RESPONDENT]

For Petitioner : M/S.S.KUMARADEVAN 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, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 452, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.102 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The allegation is that, earlier A1 worked with the petitioner in a finance company as Branch Manager and thereafter A1 came out of the company and joined in another finance company. It is alleged that misusing the name of the defacto complainant he had approached the customers and the same was questioned by the defacto complainant. Due to which the petitioner along with other accused persons abused the defacto complainant and attacked him and caused injuries to him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that there was a money dispute between the petitioners and the defacto complainant, due to which a false complainant was given by the defacto complainant. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Public Prosecutor would submit that earlier A1 and the petitioner were colleagues in the finance company and later A1 joined in another company and he approached the customers in the name of petitioner and the same was questioned by the defacto complainant. Due to which the petitioner along with other accused persons abused the defacto complainant and attacked him and caused injuries to him. He would further submit that the injured discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the occurrence has taken place due to money dispute between the parties and the injured also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tiruvannamalai on condition that the petitioner shall execute a 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 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.

[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 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 229 A IPC.

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

-sd/-
18/03/2021

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,
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT

CC to M/S.S.KUMARADEVAN Advocate on payment of necessary charges SR.NO.3571

CRL OP.4874/2021

सत्यमेव जयते
Date :18/03/2021

rvr 30/03/2021

WEB COPY