

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5512 of 2021

1 JAISING @ JAYASINGH [PETITIONERS / ACCUSED]

2 CHINNARAJA

3 JEYABAL @ JAYAPAL

4 GEORGE FERNANDAS

Vs

STATE REP.BY [RESPONDENT]

THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.145 OF 2021.

For Petitioner : M/S. V.SAKKARAPANI 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 :-

सत्यमेव जयते
ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.145 of 2021 on the file of the respondent police for the offence alleged u/s 147, 148, 341, 294(b), 323, 324, 332, 336, 506 (2) and 379 of IPC, seek anticipatory bail.

2. There are totally five accused involved in this case and the petitioners are A1 to A4. The de facto complainant is stated to be working as Supervisor in the Office of Manalmedu Panchayat. The case of the prosecution is that on 10.03.2021 at about 06.30 hours when the de facto complainant was returning home from his office, due to previous enmity, the petitioners assaulted the de facto complainant with hands and stones repeatedly and took away his cellphone.

3. The learned counsel for the petitioners submitted that the petitioners are innocent of the alleged offence and they have been falsely implicated. The petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor stoutly opposed the petition for anticipatory bail stating that there is motive for A2 and A3. He would, however, fairly submit that injured had been discharged from the hospital and A5, who was arrested and remanded to judicial custody, had been granted bail.

5. Considering the facts and circumstances of the case and also the fact the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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 of receipt of a copy of this order, before **the learned Judicial Magistrate-I, Mayiladuthurai**, on their executing 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders for the purpose of 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 himself /Trial Court 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 229A IPC.

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

-sd/-

19/03/2021

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,
MAYILADUTHURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT. (FOR INFORMATION)
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.5512/2021

Date :19/03/2021

TK/19.04.2021

सत्यमेव जयते

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