

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6272 of 2021

1 RAMESH [PETITIONERS / ACCUSED]
2 PRABAKARAN
3 M.GOI
4 RAGHUL
5 NATARAJAN

Vs

STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
PUZHAI POLICE STATION,
MADHAVARAM, CHENNAI.
CRIME NO.92/2021.

For Petitioner : M/S.P.POTHRAJ 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 :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police in connection with the case in Crime No.92 of 2021 for the alleged offence punishable u/s 147, 294(b), 448, 323, 324 and 506(2) of IPC, are before this court seeking anticipatory bail.

2. The case of the prosecution is that on 21.03.2021 at about 07.00 p.m. when the de facto complainant was playing foot ball at Kathirvedu Government Higher Secondary School's ground along with his brother, a coach by name Kalairajan alleged to have asked the de facto complainant and his brother to go out from the play ground and when the de facto complainant replied to him that it is a government play ground and any one can use the same, one Ganga and his brothers attacked the de facto complainant and his brother with hands and attempt to stab him with knife, however, they had managed to escape from the scene of occurrence.

3. The learned counsel for the petitioners submitted that the petitioners are innocents of the alleged offence and the case has been foisted against them. 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 Government Pleader opposed the petitioner stating that investigation is pending. He however submitted that no one sustained serious injuries.

5. Considering the fact that occurrence had taken place due to a petty quarrel arising out of foot ball playing and no one sustained serious injuries and the other facts and circumstances of the case, 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, Madhavaram**, 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 as and when required by the police 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 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/-
30/03/2021

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 SUB INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
MADHAVARAM, CHENNAI.

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

CRL OP.6272/2021

Date :30/03/2021

TA-19/04/2021

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