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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6469 of 2021

1. Vinayagam
2. M.Dilliraj
3. U.Deepak
4. Amarnath Arulmani
5. Amarnath

... Petitioners

-Vs-

The State Represented by
The Inspector of Police,
B-7 Vellavedu Police Station,
Thiruvallur Dt.
(Crime No.114 of 2021)
... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.114 of 2021 on the file of the respondent.

For Petitioners : Mr.S.Shanmuga Velayutham

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are eleven accused. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 441, 294(b), 324, 307 of I.P.C., in Crime No. 114 of 2021, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on the date of occurrence, the defacto complainant and others parked their two wheelers near the school ground, which was questioned by A1 and A2, at that time, there was a wordy quarrel between them, in which, all the accused have attacked the defacto complainant, and caused injury. Hence, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that it was a wordy quarrel between the petitioners and the defacto complainant and now the main accused A1 was arrested and released on bail. He would submit that they are innocent persons, and they are no way connected with the offence as alleged in the complaint and the injured was discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the occurrence taken place in a wordy quarrel between the petitioners and the defacto complainant, due to which, they have attacked the defacto complainant, thereby caused injury. Now, investigation is almost completed, the injured was discharged from the hospital and there is no bad antecedents against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the occurrence was taken place in a wordy quarrel, now the main accused A1 was arrested and released on bail, injured was discharged from the hospital, the investigation is almost completed 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 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-II, Poonamallee 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, 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, 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 appear 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 229A IPC.

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

-sd/-
01/04/2021

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
B-7, VELLAVEDU POLICE STATION,
TIRUVALLUR DISTRICT.

WEB COPY +1 CC to M/S.S.SHANMUGA VELAYUTHAM Advocate on payment of
necessary charges SR.No.4379

CRL OP.6469/2021

Date :01/04/2021

cs 15/04/2021