

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.6412 of 2021

1.Saravanan
2.Rajarajan
3.Dharmaraj @ Dharmarajan
4.Kaliyamuthan @ Kalaimagan
5.Bharathan
6.Suresh @ Suresh Mennan
7.Sanjeevi
8.Balamurugan Petitioners

Vs.

The State Rep. by
Inspector of Police,
Alivalam Police Station,
Tiruvarur District.
(Crime No.218 of 2021) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.21 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Vijay Ragavan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 427 and 506(ii) I.P.C. in Crime No.218 of 2021, seek anticipatory bail.

2. When the matter is taken up for hearing, the learned counsel for the petitioners submitted that except the fifth petitioner, the other petitioners were arrested and released on bail on 31.03.2021. Therefore, this petition, in so far as the other petitioners 1 to 4 and 6 to 8, except the fifth petitioner is dismissed.

3.The case of the prosecution is that the defacto complainant had put up speed breaker causing nuisance to the general public. When the same was questioned by the petitioners, there was a wordy quarrel between the petitioners and the defacto complainant. The petitioners scolded and attacked the defacto complainant and caused simple injuries to him. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioners are innocent person and no way connected with this crime and they have been falsely implicated in this case. Further, he submitted that the co-accused have been arrested and enlarged on bail. Hence, he prays for anticipatory bail to the fifth petitioner.

5.The learned Additional Public Prosecutor would submit that the petitioners are said to have assaulted the defacto complainant, due to which, the defacto complainant sustained injuries. He further submits that the injured has been discharged from the hospital and the speed breaker was removed.

6. Taking into consideration the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the fifth petitioner/A5, subject to the following conditions:

a) Accordingly, the fifth petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that the fifth petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 fifth petitioner shall appear before the respondent police as and when required for interrogation;

[d] the fifth petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the fifth petitioner 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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.

+1CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of
necessary charges SR NO.4437

CRL OP.6412/2021

Date :01/04/2021

MK:20/04/2021