

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.6789 of 2021

1. Dinesh
2. Vijay

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
Thiruvottiyur Police Station,
Chennai District.
(Crime No.125 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.125 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Mohamed Riyaz

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC in Cr.No.125 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and other accused persons and the defacto complainant. The petitioners along with other accused have attacked the defacto complainant and caused injuries. Thereby, the Law Enforcing Agency registered a case against the petitioners and other accused.

3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the they have falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that injured person has been discharged from the hospital.

5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Thiruvottiyur, on condition that the petitioners shall execute 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/04/2021

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,
THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S. M.MOHAMED RIYAS Advocate on payment of necessary charges SR.No.4631

CRL OP.6789/2021

Date :08/04/2021

cs 19/04/2021

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