

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7404 of 2021

1 RAJESH KANNA @ RAMESHKANNA
2 SUGAN @ SUGANBHARATHI
3 SILAMBARASAN
4 VINOTHKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT. CR.NO.191 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.RAJENDIRAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 147, 294(b), 323, 324 and 506(i) of IPC in Crime No.191 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused and the defacto complainant are politicians and there was a dispute between them with regard to canvassing inside the polling center at Panamadal and distribute the tokens for gathering votes . Due to which, there was a wordy quarrel and the petitioners and others assaulted the de-facto complainant and his party cadets with deadly weapons, thereby, the defacto complainant and his party cadets sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the similarly placed co-accused have been granted anticipatory bail by this Court on 16.04.2021, in CrI.O.P No.7106 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that in a wordy quarrel during the election, the petitioners and other accused assaulted the de-facto complainant and his party cadets with deadly weapons, thereby, the defacto complainant and his party cadets sustained injuries. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also of the fact that the injured person has been discharged from the hospital and the similarly placed accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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 No.1, Attur on condition that each of the petitioners shall execute a separate 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 for a period of two weeks and thereafter as and when required for interrogation.

(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/-

23/04/2021

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.I, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

CC to M/S. M.RAJENDIRAN Advocate on payment of necessary charges Sr.5337

CRL OP.7404/2021

Date :23/04/2021

RVR 29/04/2021

WEB COPY