

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7476 of 2021

1 J.TAMIZHVEL

[PETITIONERS/ACCUSED]

2 R.DINESH

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
VADALUR POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.153/2021

[RESPONDENT/COMPLAINANT]

For Petitioners : M/S.C.KARTHIK Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 452, 294 (b), 323, 506(i) and 379 of IPC in Crime No.153 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the branch manager of M/s.Darling AC Showroom. On the date of occurrence, the accused persons went to the showroom in an inebriated condition and abused the employees of the showroom regarding the purchase of air conditioners by one Chitra. When the same was questioned by the de-facto complainant, all the accused persons joined together and abused the de-facto complainant in a filthy language, assaulted him and also criminally intimidated him. Further, the 2nd accused took a cell phone from the de-facto complainant and subsequently, all of them fled away from the scene of occurrence. Hence, the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and 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, the petitioners and another accused abused the de-facto complainant and assaulted him and also took a mobile phone from him. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also taking note of the submission that there is no previous case pending against the petitioners, 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 District Munsif cum Judicial Magistrate, Kurinjipadi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 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

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

-sd/-

21/04/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KURINJIPADI.
2. THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]
3. THE SUB INSPECTOR OF POLICE,
VADALUR POLICE STATION,
CUDDALORE DISTRICT.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.C.KARTHIK Advocate on payment of necessary charges
SR NO. 5175

CRL OP.7476/2021

Date :21/04/2021

TK/23.04.2021

सत्यमेव जयते

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