

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7857 of 2021

1 AKILAN

[PETITIONERS / ACCUSED]

2 ELANCHEZHIAN

3 VIGNESHWARAN

4 PADMAPRASATH

5 KAYALVIZHI

Vs

THE STATE REP BY

[RESPONDENT]

THE SUB-INSPECTOR OF POLICE,

PARAVAKOTTAI POLICE STATION,

TIRUVARUR

CRIME NO.256 OF 2021

For Petitioner : M/S.E.RAJ THILAK Advocate

For Respondent : M/S.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 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 324, 427, 379, 307 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment Act, in Crime No.256 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was an altercation between the 2nd accused and the son of the defacto complainant in the polling booth on the voting day. Thereafter, in the evening, it is alleged that the petitioners herein joined together intimidated the defacto complainant's son and assaulted him with deadly weapons and caused severe injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution. Due to vengeance, the defacto complainant had made this false complaint. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that due to wordy altercation between the defacto complainant's son and the 2nd accused in the polling booth, the petitioners attacked the defacto complainant's son and caused injuries. He further submitted that the injured was discharged from hospital and there are no previous case as against these petitioners. He further submitted that there is also a case in counter in Crime No.255 of 2021.

5.Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged and also that it is case in counter, 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 No.II, Mannargudi, on condition that the petitioners shall execute a 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 SCW 5560]; and;

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

-sd/-
27/04/2021

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,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
TIRUVARUR.

+1CC to M/S.E.RAJ THILAK Advocate on payment of necessary charges SR.NO.5468

CRL OP.7857/2021

MK:21/05/2021

Date :27/04/2021

WEB COPY