

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

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

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7993 of 2021

1 H.MAHESWARAN [ PETITIONERS / ACCUSED ]  
2 H.JANAKIRAMAN  
3 J.VIJAYALAKSHMI  
4 RAJESWARI

Vs

STATE REP BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
E-5, PATTINAPAKKAM POLICE STATION,  
CHENNAI-600 028.  
CRIME NO.82 OF 2021.

For Petitioner : M/S.K.RAJA 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 324 and 506(ii) of IPC in Crime No.82 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in a wordy quarrel between the petitioners and the defacto complainant with regard to usage of a common pathway, the petitioners said to have attacked the defacto complainant and caused 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. The defacto complainant is running a church in the front side of the petitioners house. When this was questioned by the petitioners, he foisted this false complaint against them. 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 on a wordy quarrel between the petitioners and the defacto complainant in usage of common path way,

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the petitioners have attacked the defacto complainant and his daughter and caused injuries. He further submitted that the injured has been treated as out patient.

5. Taking into consideration the facts and circumstances of the case, 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 XXIII, Saidapet, Chennai, 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 SCW 5560]**; and;

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

-sd/-

28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,  
NO.XXIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-5, PATTINAPAKKAM POLICE STATION,  
CHENNAI-600 028

+4 CC to M/S.K.RAJA Advocate on payment of necessary charges  
SR.NO.5441

CRL OP.7993/2021

Date :28/04/2021

TA-17/05/2021



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