

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8276 of 2021

1 SANJAY GANDHI
2 PUYALARASAN
3 DINESH
4 BALU

[PETITIONERS / ACCUSED]

Vs

THE STATE TAMIL NADU,
REP.BY INSPECTOR OF POLICE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.
CRIME NO.477 OF 2021

[RESPONDENT]

For Petitioner : M/S.S.SEKAR 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 apprehend arrest for the alleged offence under Section 147, 294(b), 324 and 506(ii) of IPC in Crime No.477 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that, due to previous enmity between the defacto complainant and the petitioners in selling illicit liquor, the petitioners said to have attacked the defacto complainant's son and caused injuries. Hence, the complaint.

4. The learned counsel 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. Hence, he seeks for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that due to previous enmity between the petitioners and the defacto complainant's son with regard to selling of illicit liquor, the petitioners have attacked the defacto complainant's son and caused severe injuries. He further stated that the injured has been discharged from the hospital and no previous case is pending against the petitioners. He further submitted that there is also a case in counter in Crime No.478 of 2021.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl. side) that the injured has been discharged from the hospital and also that there is a case in counter, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruthuraipoondi, within a period of 15 days from the date of receipt of a copy of this order, on their executing 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 sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/04/2021

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

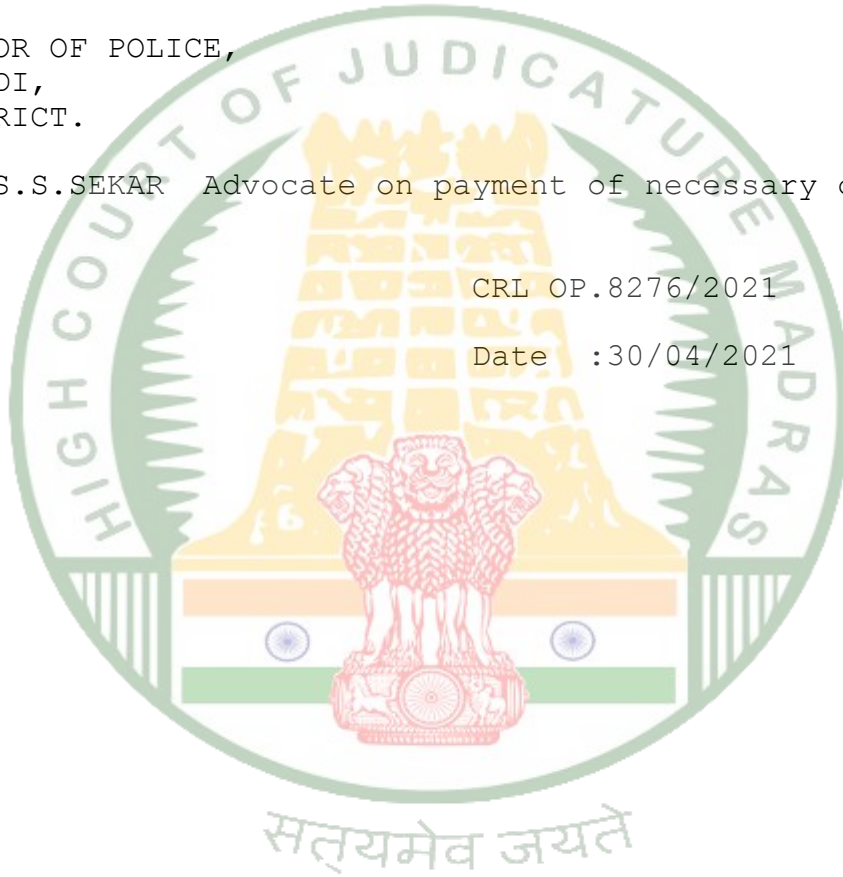
4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

+1CC to M/S.S.SEKAR Advocate on payment of necessary charges
SR NO.5622

CRL OP.8276/2021

Date :30/04/2021

MK:15/06/2021



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