

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.8326 of 2021

1 SRIDHAR
2 PUSHPARAJ
3 AYYAVU
4 RAJENDRAN
5 BANUMATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.
CRIME NO. 192/2021.

[RESPONDENT]

For Petitioner : M/S.M.SENTHILKUMAR Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government 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 Sections 147, 341, 294(b), 324, 323 and 506(ii) of IPC in Crime No.192 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity, the petitioners waylaid the complainant, abused and attacked him with hands and stone. Due to which, he sustained 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 sought for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured has been discharged from hospital and no previous case is pending against the petitioners. He further submitted that there is also a case in counter.

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, 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-II, Mettur, Salem District, within a period of 15 days from the date of receipt of a copy of this order, on their executing 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 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-II,
METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.8326/2021

Date :30/04/2021

MN-06/07/2021