



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.8944 of 2021

Koushal

... Petitioner/Accused No.5

Vs.

The State Rep. by
The Inspector of Police,
Pallavaram Police Station,
Chennai District.

.. Complainant/Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of his arrest in the hands of respondent in crime No.127 of 2021 pending investigation on the file of respondent police.

For petitioner : Mr.A.Saravanan

For Respondent : Mr.E.Thilak Raj
learned Counsel for Government
(Criminal side).

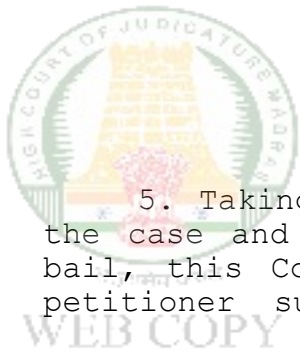
O R D E R

The petitioner/Accused No.5, who apprehends arrest for the alleged offences under Sections 294(B), 323, 324 and 506(i) of IPC in Crime No.127 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had entered into a wordy quarrel and attacked the defacto complainant's son and caused severe injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a false complaint has been foisted against this petitioner and he has not connected with the crime as alleged by the prosecution. The learned counsel further submitted that this is the 2nd anticipatory bail application and the co-accused A1 to A4 were already let out on bail by the learned Judicial Magistrate No.II, Tambaram, in Crl.MP No.351 of 2021 dated 16.04.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for Government (Crl.Side) submitted that A1 to A4 were arrested and thereafter, released on bail on 16.04.2021. The learned counsel further submitted that there is no previous case against this petitioner.



5. Taking into consideration, the facts and circumstances of the case and also of the fact that co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Tambaram, on condition that the petitioner 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 said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner and 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 petitioner shall report before the respondent police, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner 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/-
14/06/2021

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE NO.II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLAVARAM POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.SARANRAJ Advocate on payment of necessary
charges SR NO.6534

CRL OP.8944/2021

Date :14/06/2021

MK:14/07/2021