

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.8823 of 2021

1. P. Sakthivel
 2. Suresh @ Chinnavan
 3. Nehru @ Jawaharlal Nehru
 4. Raghu
 5. Kannan
 6. Prasanth
 7. Krishnamoorthi @ Krishnan
 8. Arul
 9. Painter Soundararajan @ Soundarapandian
 10. Vijay
 11. Paimoonchi @ Ramachandiran
- ... Petitioners

Vs.

State Rep. by
Inspector of Police,
Velur Police Station,
Paramathi Velur,
Namakkal District.
(Crime No.351 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.351 of 2021 on the file of respondent police.

For Petitioner : Mr.M. Marimuthu

For Respondent : Mr.T. Shunmugarajeswaran,
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307 of IPC and 3(1) of PDPP Act, in Crime No.351 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel in a temple festival between the petitioners and the defacto complainant's groups , as a result of which, the petitioners said to

have attacked the defacto complainant and caused injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners have given a complaint before the respondent police in Crime No.352 of 2021 against the defacto complainant and it is a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there is a case in counter in Crime No. 352 of 2021 have been registered by the respondent police. He further submitted that there are no previous case pending against the petitioners. He would further submit that the injured person is an out-patient. However, he vehemently opposed grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case that it is a case in counter and the injured person is an out-patient, 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, Paramathi, Namakkal District, on condition that each of 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 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,

© 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/-

12/05/2021

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,
PARAMATHI, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VELUR POLICE STATION,
PARAMATHI VELUR,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.8823/2021

Date :12/05/2021

RVR 01/07/2021