

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.9114 of 2021

1.S.Ashokan
2.A.Ajith
3.A.Sumathi

... Petitioners

Vs.

The State
rep. by The Inspector of Police,
J11, Kannaki Nagar Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.194 of 2021 on the file of the Respondent.

For Petitioners : Mr.C.Ganesh Pandian

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI.Side)

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 offences under Sections 341, 294(b), 353, 336, 506(ii) r/w 160 IPC in Crime No.194 of 2021 on the file of the respondent police, seek anticipatory bail.

2. There are totally ten accused in this case. The case of the prosecution is that during wordy quarrel between the two groups, the petitioners along with other accused are alleged to have abused and prevented the police. Hence, the complaint.

3. The learned counsel 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 and hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that during the wordy quarrel, the petitioners alsong with other accused abused the de facto complainant and prevented him.

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 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-II, Alandur, on condition that the each of the petitioner 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 learned Judicial Magistrate concerned and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two (2) weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/05/2021

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J11 KANNAKI NAGAR POLICE STATION,
CHENNAI.

CC to M/S.C.GANESH PANDIAN Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.9114/2021
Date :13/05/2021

cs 06/07/2021