

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9189 of 2021

1.T.R.Imtiyaz @ Deel Imtiyaz
2.T.A.Faisal Ahamed @ Deel Faisal
3.B.Mohiuddin Sha @ Apulu

...Petitioners/Accused No.1 to 3

Vs.

State rep by the
Inspector of Police
Vaniyambadi Town Police Station
Vaniyambadi, Tirupathur District
(Crime No.160 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.160 of 2021 on the file of the Inspector of Police, Vaniyambadi Town Police Station, Vaniyambadi, Tirupathur District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. 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 offence punishable under Sections 294(b), 323, 324, 506(ii) and 427 of IPC, in Crime No.160 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Irshath Ahamed is that on 09.05.2021, the petitioners had gone to the hotel of the defacto complainant and had Biriyanis and refused to pay money and when it was questioned, the petitioners assaulted the defacto complainant with iron rod due to which, he sustained injury on his forehead. Further, the petitioners also damaged an auto. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured has been discharged from hospital and the value of the damage to the auto has been assessed as Rs.3,000/-. Hence, he opposed for grant of anticipatory bail.

5. Taking note of the facts and circumstances of the case and also of the fact that the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) each to the credit of Crime No.160 of 2021. On such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate, Vaniyambadi, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the time of conclusion of trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

-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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI,
TIRUPATHUR DISTRICT.

+1 CC to G.VINODHKUMAR Advocate on payment of necessary charges
SR.No.6131

CRL OP.9189/2021

Date :13/05/2021

cs 16/06/2021