

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9427 of 2021

1. N.Karthick
2. Anand
3. Sathish
4. R.Arumugam

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
T14 Mangadu Police Station,
Mangadu, Chennai.
(Cr.No.139 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.139 of 2021 on the file of the respondent police.

For Petitioners: Mr.M.Rajavelu

For Respondent: Mr.A.Damodaran
Government Advocate(Crl side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 341, 323, 385, 363 and 506(i) of IPC in Crime No.139 of 2021 seek anticipatory bail.

2. It is the case of the prosecution that due to money dispute, the petitioners snatched the gold ornaments and cash of the defacto complainant and assaulted him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that they paid around Rs.3,00,00,000/- loan to Mohan and Anitha and when they failed to repay the amount, the petitioners, claiming the said loan amount, went to the house of Anitha and Mohan. The defacto complainant is the close relative of Anitha and mohan interfered with the petitioners' affair and thereby wordy quarrel arose between them. Further he submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that due to money dispute wordy quarrel arose between the parties and they snatched the gold ornaments and cash of the defacto complainant and assaulted him. Further he submitted that there is no previous case pending against the petitioners and the defacto complainant has not sustained any injuries. However, he opposed to grant Anticipatory Bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned the Judicial Magistrate, Sriperumbudur, on condition that each of 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 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 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 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
T14 MA/NGADU POLICE STATION,
MANGADU, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9427/2021

Date :27/05/2021

RVR 05/07/2021

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