



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10009 of 2021

WEB COPY

1. Noorlhuk
S/o.Ajmalkhan

2. Iyyappan @ Badhulan
S/o.Duraiaraj

3. Balaji
S/o Munusamy

4. Balaji
S/o Selvam

5.Ananth
S/o Periyasamy

... Petitioners

Vs.

State represented by its,
Inspector of Police,
Mamallapuram Police Station,
Chengalpattu District
(Crime No.187 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.187 of 2021 in the event of arrest on the file of the respondent Police Station.

For Petitioners : Mr.S. Venkatesh

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 323, 324 and 506(II) of IPC in Crime No.187 of 2021, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners threatened the defacto complainant to give statement that monthly he gave Rs.10,000/- for sale of Ganja and when the same was refused by the defacto complainant, the petitioners attacked the defacto complainant and got statement and recorded the same in the mobile. Hence, the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners compelled the defacto complainant to give a false statement and recorded the statement in the mobile phone. He further submits that one case is pending against the first petitioner/A1. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the one case is pending against the first petitioner/A1 this Court is not inclined to grant anticipatory bail to first petitioner/A1 and this petition is dismissed with regard to first petitioner/A1 and with regard to second,third, fourth and fifth petitioners this Court is inclined to grant anticipatory bail with certain conditions.

6.Accordingly, the second,third, fourth and fifth 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 District Munsif cum Judicial Magistrate, Thirukalukundram, on condition that second,third, fourth and fifth shall execute a separate bond for a sum of Rs.10,000/- each (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 second,third, fourth and fifth 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 second,third, fourth and fifth 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 second,third, fourth and fifth shall not tamper with evidence or witness either during investigation or trial;



(d) the second, third, fourth and fifth 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 second, third, fourth and fifth 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MAMALLAPURAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10009/2021

Date :14/06/2021

MK:15/07/2021