

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.9998 of 2021

1.Divakar
2.Ganesan

... Petitioners/Accused Nos.9 & 10

Vs.

State Rep.by
Inspector of Police,
Padalam Police Station,
Chengalpattu District.
(Crime No.75 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.75 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Machavatharan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(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, 341, 294(b), 324 and 307 of IPC subsequently altered into 147, 341, 294(b), 324 and 302 of IPC, in Crime No.75 of 2021, on the file of the respondent police, seek anticipatory bail.

2.It is seen from the submissions that due to quarrel which took place in the Wine Shop on 20.03.2021, on 21.03.2021 at about 8.30 a.m., accused in this case formed an unlawful assembly and said to have attacked the deceased indiscriminately. As a result of which, he died.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and there is no specific overtact attributed to the petitioners. He further submitted that main accused persons were arrested and remanded to judicial custody on 24.03.2021 and they were enlarged on bail by this Court in Crl.O.P.No.9117 of 2021 dated 13.05.2021. Hence, prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to quarrel which took place in the Wine Shop on 20.03.2021, on 21.03.2021 at about 8.30 a.m., accused in this case formed an unlawful assembly and said to have attacked the deceased indiscriminately. As a result of which, he died. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the co-accused arrested and released on bail, 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 No-I, Chengalpattu, 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. until further orders.

(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/ 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/-
16/06/2021

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 JUDICIAL MAGISTRATE NO.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALAPTTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9998/2021

Date :16/06/2021

MK:13/07/2021

WEB COPY