



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10539 of 2021

1.Sreenivasan ...Petitioners
2.E.Arun Prasath
3.Kumar

Versus

State Rep. By ...Respondent
The Inspector of Police,
Guduvancherry P.S
Chengalpattu District.
(Cr.No.710 of 2021)

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.710 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.Aaruseela Sudhakar

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 147, 148, 294 (b), 324 and 506(ii) IPC in Cr.No.710 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is one of the Trustee of Shri Angala Parameshwari Temple at Guduvanchery. The dispute between the defacto complainant and the petitioners is with regard to the dumping of wastes in front of A1 house and when it was questioned by A1, there was a wordy quarrel between them and after some time, A1 along with petitioners herein have caused cut injuries to the defacto complainant, due to which he was hospitalised. Based on the complaint of the defacto complainant, the Law Enforcing Agency has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) submits that the injured person has been discharged from the hospital and there are no previous cases pending against the petitioners and further that 3rd petitioner / A5 is not an accused in this case.

5. Considering the fact that the injured has been discharged from the hospital and there are also no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2. Insofar as 3rd petitioner / A5 is concerned, it is informed that he is not an accused in this case and **hence, this Criminal Original Petition against 3rd petitioner, namely, Kumar, alone is closed.**

6.Accordingly, the petitioners 1 and 2 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.II, Chengalpattu**, on condition that the petitioners 1 and 2 shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 1 and 2 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 1 and 2 shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 2 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 1 and 2 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/-
17/06/2021

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This order, on being produced, be punctually observed and carried into execution by all concerned

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDUVANCHERY P.S,
CHENGALPATTU DISTRICT.

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

CRL OP.10539/2021

Date :17/06/2021

TA-19/07/2021