

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.OP.No.11043 of 2021

1. Sundar
2. Karthik
3. Jeeva

...Petitioners

Versus

State Rep. by
The Inspector of Police,
H-1, Otteri Police Station,
Chengalpattu, Chennai.
(Cr.No.480 of 2021)

...Respondent

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.480 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.Anandaraaj

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

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 323. 506(i) of IPC read with Section 4(1) of TNPPDL Act 1984 in Cr.No.480 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are friends and they are resides in the same village. On 15.06.2021, while consuming alcohol, some oral dispute was arose between them. Due to which, the petitioners have attacked the defacto complainant and broken the glass of his auto. Hence, the complaint.

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

4. The learned Government Advocate appearing for the respondent submitted that the petitioners have broken the glass of the Auto of the defacto complainant and no one sustained injuries and there is no previous case against the petitioners.

5. Taking into consideration of the facts and circumstances and no one sustained injuries, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, 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-II, Chengalpattu, on condition that the petitioners shall execute separate 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:

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, appear before the respondent police as and when required for interrogation;

(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]; and;

WEB COPY

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/06/2021

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.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
H-1 OTTERI POLICE STATION,
CHENGALPATTU, CHENNAI-48

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.ANANDARAJ Advocate on payment of necessary charges
Sr.7036

CRL OP.11043/2021

Date :30/06/2021

RVR 09/07/2021

WEB COPY