



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11572 of 2021

WEB COPY

1. Vicky @ Vikram
2. Sridhar

...Petitioners

Vs.

State represented by
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.
(Crime No. 285 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.285 of 2021 on the file of the respondent police.

For Petitioners: M/s.K.S.Begum

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

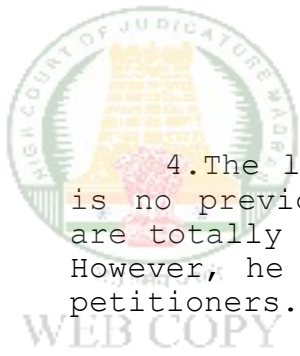
ORDER

(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 341, 148, 147, 294(b), 324, 307, 506(ii) of IPC, in Crime No.285 of 2021, on the file of the respondent police, seek anticipatory bail.

2.There are totally four accused persons involved in this case and the petitioners are arrayed as A1 and A3. The case of the prosecution is that the petitioners along with other accused persons had assaulted the defacto complainant and his friends with stone and sticks and caused injuries. Hence, the complaint was registered.

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) submits that there is no previous case pending against the 1st petitioner/A1 and there are totally five previous cases pending against the 2nd petitioner/A3. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the fact that there are five previous cases pending as against the second petitioner. Therefore, this Court is not inclined to grant anticipatory bail to the second petitioner. Hence, this Criminal Original Petition is dismissed as against the second petitioner and this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

(a) Accordingly, the 1st petitioner is directed to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned XVIII Metropolitan Magistrate Court, Egmore, on further condition that the 1st petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the 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 automatically;

[b] the 1st petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the 1st petitioner, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition in respect of the 2nd petitioner stands dismissed. The Criminal Original Petition in respect of the 1st petitioner stands ordered.

-sd/-

07/07/2021

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 XVIII METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.S.BEGUM Advocate on payment of necessary charges
Sr.7235

CRL OP.11572/2021

Date :07/07/2021

RVR 23/07/2021