



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11964 of 2021

1. Gunasekaran
2. Sarathkumar
3. Kaja @ Kaja Mydeen

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
(Crime No.726 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.726 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.A.Saranraj

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 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, 148, 341, 294(b), 323, 307 and 506(ii) of I.P.C. in Cr.No.726 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused assaulted the defacto complainant and caused simple injuries and there is a case in counter. The respondent police have registered FIR based on complaint given by both the sides.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are not committed any offence as alleged by the prosecution and they are no way connected in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (crl. side) appearing for the respondent submitted that due to wordy quarrel between the petitioners along with other accused and the defacto complainant, attacked with each other and the injured persons has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and there is a case in counter, 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 X Metropolitan Magistrate Court, Egmore, on condition that the petitioners shall execute separate 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. for a period of two weeks and thereafter, as and when required for interrogation;

(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 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]; and;



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

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-sd/-
12/07/2021

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 THE METROPOLITAN MAGISTRATE NO.X,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P-5 M.K.B.NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.SARANRAJ Advocate on payment of necessary charges SR NO.7348

CRL OP.11964/2021

Date :12/07/2021

MK:26/07/2021