

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11974 of 2021

1.Kamal @ Kamalakannan
2.Magesh @ Mageshkannan

... Petitioners

Vs.

State represented by
The Inspector of Police,
R-6, Kumaran Nagar, Police Station,
Chennai District.

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.380 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.S.Begum

For Respondent : Mr.A.Gopinath
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 341, 294(b), 324, 506(ii), 397 of IPC in Cr.No.380 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have attacked the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case.

4.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital, 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 XXIII Metropolitan Magistrate, Saidapet, on condition that the petitioners 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 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 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/-
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 METROPOLITAN MAGISTRATE
NO 23, SAIDAPET,
CHENNAI.

2 CHIEF METROPOLITAN MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR, POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.S.BEGUM Advocate on payment of necessary charges
SR NO 7297

CRL OP.11974/2021

Date :12/07/2021

JPA 14/07/2021