



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12563 of 2021

1. Thanika ... Petitioners
2. Vijayakumar
3. Perumal
4. Venkatesan
5. Sekar
6. Asokan
7. Subramani
8. Munusamy
9. Manikandan

Vs.

State represented by its, ... Respondent
Inspector of Police,
Dusi Police Station,
Thiruvannamalai District
(Crime No.418 of 2021)

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.418 of 2021 in the event of arrest on the file of the respondent Police Station.

For Petitioners : Mr.J. Arul Prakasam

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 447, 294(b), 354, 506(ii) of I.P.C r/w Section 3 of PPDL Act in Crime No.418 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant and at that time the petitioners damaged the fencing of the defacto complainant. Hence, the complaint.

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.



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4.The learned Government Advocate (Crl.Side) would submit that the with regard to A2 there was one previous case and with regard to A6 there was twelve previous cases pending against them. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that there was one previous cases pending against the A2/Vijayakumar and 12 previous cases pending against A6/Asokan, this Court is not inclined to grant anticipatory bail to A2/Vijayakumar and A6/Asokan and this petition is dismissed with regard to f A2/Vijayakumar and A6/Asokan. However insofar as to A1 and A3 to A5, A7 to A9 are concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6.Accordingly, the petitioners who are arrayed as A1 and A3 to A5 and A7 to A9 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, Cheyyar**, on condition that the petitioners A1 and A3 to A5 and A7 to A9 shall execute a separate bond for a sum of Rs.10,000/- each (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 who are arrayed as A1 and A3 to A5 and A7 to A9 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 who are arrayed as A1 and A3 to A5 and A7 to A9 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 who are arrayed as A1 and A3 to A5 and A7 to A9 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners who are arrayed as A1 and A3 to A5 and A7 to A9 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 who are arrayed herein as A1 and A3 to A5 and A7 to A9 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 petitioners who are arrayed herein as A1 and A3 to A5 and A7 to A9 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
28/07/2021

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 JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.J.ARUL PRAKASAM Advocate on payment of necessary charges SR.NO.7827

CRL OP.12563/2021

Date :28/07/2021

TA-06/08/2021