



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12772 of 2021

1. N.Ganapathy
2. R.Jayarajkumar

... Petitioners

Vs.

State by :-

The Sub-Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram Taluk, Cuddalore District.
(Crime No.244 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.244 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.K.Thirumalai

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 & 506(2) of IPC in Cr.No.244 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners along with other accused person threatened the defacto complainant and his family members and attacked them. The respondent police have registered FIR based on complaint given by the defacto complainant.

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 no one was sustained injuries. However, he vehemently opposed for grant of anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also the fact that no one was sustained injuries, this court is inclined to grant anticipatory bail to the petitioners.

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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 Judicial Magistrate, Chidambaram, on condition that the petitioners shall execute a 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 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/-
26/07/2021

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.



1 THE JUDICIAL MAGISTRATE,
CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
ANNAMALAI NAGAR POLICE STATION,
CHIDAMBARAM TALUK,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.THIRUMALAI Advocate on payment of necessary charges

CRL OP.12772/2021

Date :26/07/2021

APN 04/08/2021