



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12861 of 2021

1.Venkatesan
2. Devaraj
3. Vijay

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
V3, J.J.Nagar Police Station,
Chennai-600 050.

... 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 connection with Crime No.Not Known of of 2021 pending investigation on the file of the The Inspector of Police, V3, J.J.Nagar Police Station, Chennai-600 050.

For Petitioners : Mr.T.Shanthakumar
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 punishable under Sections **(*) 294(b), 323, 324 & 506(ii) of IPC in Crime No.791 of 2021** seek anticipatory bail.

2.The case of the prosecution is that there was a family dispute between the petitioners' side relatives and the defacto complainant's side relatives and for the same, there was a compromise meeting arranged by the petitioners uncle and during the said meeting, there was a wordy quarrel between the petitioners and the defacto complainant's side and the petitioners attacked the defacto complainant. Thereby, the defacto complainant had sustained injuries. Hence, the defacto complainant has lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the



prosecution and they have been falsely implicated in this case. He further submits that there was a family dispute between the petitioners and the defacto complainant and regarding the same, the petitioners were arranged meeting for compromise in the presence of the elders of both family members. At the time of compromise, there was wordy quarrel between them, for which, the defacto complainant only beat the 1st petitioner and the 1st petitioner had sustained injuries. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a wordy quarrel between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant, due to which, the defacto complainant sustained injuries. He further submits that the injured has been discharged. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the injured was discharged, 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 Judicial Magistrate, Ambattur on condition that each of the petitioners shall execute a separate 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/-

27/07/2021

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.

(*) Amended as per order of this court dated 25.08.2021 made in Crl.MP.8275/2021 in Crl.O.P.No.12861/2021

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
V3, J.J.NAGAR POLICE STATION,
CHENNAI - 600 050.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.SHANTAKUMAR Advocate on payment of necessary charges SR.No.9113

CRL OP.12861/2021

Date :27/07/2021

APN 03/08/2021

APN 22/09/2021