



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13196 of 2021

1 P.V.SEBY [PETITIONERS / ACCUSED]
2 P.V.SAJAN
3 BABU @ BABUVAREED
4 SHEEBA

Vs

THE STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CMBT POLICE STATION,
CHENNAI DISTRICT.
(CR.NO.406/2021)

For Petitioner : M/S.S.MANIKANDAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.406 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are the neighbours, the petitioners piled up the river sand in the road for the purpose of construction and the same was questioned by the defacto complainant, there was a wordy quarrel between them, the petitioners had abused the defacto complainant in filthy language and attacked him and caused injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners 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.



4. The learned Government Advocate (Crl.Side) would submit that the injured person has been discharged from the hospital and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and the injured person has been discharged from the hospital and there is no previous case pending against the petitioners, 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 5th Metropolitan Magistrate Court, Egmore, Chennai, on condition that each of the petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed 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 1 to 3 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 and the 4th petitioner shall report before the respondent police 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.

WEB COPY

-sd/-
29/07/2021

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 COURT-V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRTE,
EGMORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CMBT POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.MANIKANDAN Advocate on payment of necessary charges SR.NO.7947

CRL OP.13196/2021

Date :29/07/2021

CSK 10/08/2021