



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13904 of 2021

1 SHANMUGAM
2 AZHAGUVEL
3 PANDIDHURAI
4 PAULRAJ
5 AYYAPPAN
6 KUMAR
7 PANDIKALA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T-7, TANK FACTORY POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.311 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.VINOTH 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 for the alleged offence punishable under Sections 147, 148, 452, 294(b), 365, 342, 324 and 506(ii) of IPC @ Section 147, 148, 452, 294(b), 364-A, 342 and 506 (ii) of IPC in Crime No.311 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.07.2021, A1 along with his sons have illegally trespassed into the defacto complainant's house and demanding money which was given by A1 to the father of the defacto complainant. In this connection, the defacto complainant was assaulted and abducted by the petitioners. Thereafter, the defacto complainant's father has given a sum of Rs.2,00,000/- to the first petitioner. The petitioners have received the said amount and thereafter, they have dropped the defacto complainant at Vanagaram. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.



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 money transaction between the petitioners and the defacto complainant, the present complaint has been filed. He further submits that the first petitioner/A1 died and fifth petitioner/A5 was arrested and remanded to judicial custody. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits there was a dispute between the petitioners and the defacto complainants regarding money transaction, the present case has been filed. He further submits that injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to these petitioners.

5.Considering the fact and circumstances of the case and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner Nos.2, 3, 4, 6 and 7 . Since A1/first petitioner died, the criminal original petition is dismissed as abated as against the first petitioner and A5/fifth petitioner was arrested and remanded to judicial custody, the criminal original petition is dismissed as against the fifth petitioner/A5.

6.Accordingly, the petitioner Nos.2, 3, 4, 6 and 7 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 Court -II, Poonamalle on condition that each of the petitioners shall execute a separate bonds 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 petitioner Nos.2, 3, 4, 6 and 7 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 petitioner Nos.2, 3, 4, 6 and 7 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 petitioner Nos.2, 3, 4, 6 and 7 shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner Nos.2, 3, 4, 6 and 7 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 petitioner Nos.2, 3, 4, 6 and 7 in accordance with law as if the conditions have been imposed and the petitioner Nos.2, 3, 4, 6 and 7 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/-

25/08/2021

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,
NO.II, POONAMALLE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T-7, TANK FACTORY POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO. 9106

CRL OP.13904/2021

Date :25/08/2021

JPA 02/09/2021