



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16885 of 2021

ROBIN MANICKAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
J4, KOTTURPURAM POLICE STATION,
CHENNAI-600 085.
CRIME NO.562 OF 2021

[RESPONDENT]

For Petitioner : M/S.N.R.ELANGO, Senior Counsel for
M/S.L.DHAMODHARAN, Advocate

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

For Intervenor : M/S.PANDIYAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 448, 324 and 392 of IPC, in Crime No.562 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was property dispute between the petitioner and other residents against A.G.Damodaran. Further, the defacto complainant's father-in-law had filed a suit in O.S.No.3525 of 2000 on the file of the City Civil Court, Chennai, and the same was dismissed for default on 02.03.2018. Therefore, the petitioner and other named accused persons had filed a caveat petition before this Court in Caveat Petition No.3076 of 2021 and thereafter, there was a dispute with regard to laying of road and the same was handed over the law enforcing agency and there was a quarrel between one group and other group and each other attacked and caused injuries.



3.The learned senior counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there was civil dispute between them and no one was sustained injuries. Hence, he prays for grant of anticipatory bail to the petitioner.

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

5. The learned counsel for the intervenor/defacto complainant submitted that the petitioner along with other accused persons had attacked the defacto complainant's husband and caused injuries. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6.Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate , Saidapet, on condition that 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 and on further condition that:

(a) the petitioner 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 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 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 in accordance with law as if the conditions have been imposed and the petitioner 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/-
16/09/2021

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,
NO.IX, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
J4, KOTTURPURAM POLICE STATION,
CHENNAI-600 085.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. L.DHAMODHARAN Advocate on payment of necessary charges

CRL OP.16885/2021

Date :16/09/2021

JPA 24/09/2021