



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.16789 & 16835 of 2021

L.B.SENTHIL KUMAR

[PETITIONER / ACCUSED
IN CRL.O.P.No.16789/2021]

J.VANITHA

[PETITIONER / ACCUSED
IN CRL.O.P.No.16835/2021]

Vs

STATE REP BY

[RESPONDENT IN BOTH THE PETITIONS]

THE INSPECTOR OF POLICE,
T2, AMBATTUR ESTATE POLICE STATION,
CHENNAI-600 058.
CRIME NO.940 OF 2021

For Petitioner : M/S.THANU MADHAN N.S. Advocate
[IN CRL.O.P.No.16789/2021]

: M/S.S.NAMBIRAJAN, Advocate
[IN CRL.O.P.No.16835/2021]

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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 341, 427 & 506(i) of I.P.C in Cr.No.940 of 2021, seeks anticipatory bail.



2.The case of the prosecution is that there is a tenancy dispute between the De-facto Complainant and the petitioners. For which the De-facto Complainant lodged a case in Cr.No.145 of 2021 and it is still pending. While being so, the respondent police called the De-facto Complainant for investigation and to identify the house of the petitioners. Therefore the De-facto Complainant went along with the respondent police and identified the house of the petitioners to the respondent police. While the De-facto Complainant returning back from the petitioners house, the petitioner/A1 with few others attacked the De-facto Complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of Anticipatory Bail. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, are ready to jointly deposit a sum of Rs.25,000/- as may be ordered by this Court.

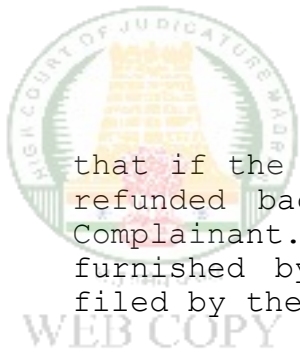
4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there is one previous against the petitioners.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioners that without prejudice to their rights, the petitioners are ready to jointly deposit a sum of Rs.25,000/- as ordered by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they 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-II, Ambattur, Chennai on condition that the petitioners shall execute a 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)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioners shall jointly make a deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.940/2021 on the file of the respondent without prejudice to their defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant



that if the petitioners succeeds in the case, the said amount would be refunded back to them, shall disburse the amount to the De-facto Complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(b) 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;

(c) the petitioner/A1 shall report before the respondent police daily at 10.30 a.m.; whereas the Petitioner/A2, shall report before the respondent police as and when required until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/09/2021

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 JUDICIAL MAGISTRATE,
AMBATTUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T2, AMBATTUR ESTATE POLICE STATION,
CHENNAI 600 058.

+3 CC to M/S.THANU MADHAN N.S. Advocate on payment of necessary
charges SR.NO.10028

+1 CC to M/S.S.NAMBIRAJAN, Advocate on payment of necessary
charges SR.NO.9965

CRL OP.NOs.16789 & 16835 /2021

Date :14/09/2021

RW 24/09/2021