

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL OP. No.18577 of 2020

1. R.Lakshmipathi,,
S/o Ramachandran, No.4/142,
Sangothiyammankoil Street, Sengadu
Village, Thiruporur, Chengalpet District.
2. L.Nirmal,
S/o Lakshmipathi, No.4/142,
Sangothiyammankoil Street, Sengadu
Village, Thiruporur, Chengalpet District.
3. R.Vasanth,
S/o Rajendiran, No.4/142,
Sangothiyammankoil Street, Sengadu
Village, Thiruporur, Chengalpet District.
4. S.Suresh,
S/o Sivalingam, No.12/52, Indira Gandhi
Street, Medavakam, Chennai.
5. D.Yuvaraj,
S/o Durai, No.3, East Kulam, Street,
Kanakoilpettai, T.K.Kundram Taluk,
Chengalpattu District.
6. E.Ramesh,
S/o Elumalai, No.19, Mettu Street,
Vembedu Village Thiruporut,
Chengalpattu District.

7. K.Kandasamy,,
S/o Krishnan, No.33, Mamallapuram Salai,
Kanakoilpettai, T.K.Kundram Taluk,
Chengalpattu District.
 8. A.Amulraj,
S/o Alangaram, No.83, Bhel Nagar, 2nd
Main Road, Medavakkam, Chennai.
 9. A.Muthu,
S/o Arjunan, No.12/77, Annaikasthuribai
Street, Medavakkam, Chennai.
 10. S.Ramesh,
S/o Sivalingam, No.12/52, Indira Gandhi
Street, Medavakkam, Chennai.
- ... Petitioners/Accused

Vs

The Inspector of Police,
Thiruporur Police Station, Thiruporur,
Cr.No.1626 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Shunmuga Sundaram
for M/s BabuMuthMeeran.M,
Advocate.

For Respondent : Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)

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

PRAYER :-

C-38AB- For Anticipatory Bail in Crime No.1626
of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 308 of I.P.C., and 25(1A) of Arms Act in Crime No.1626 of 2020 on the file of the respondent police, seek anticipatory bail.

3. It is the submission of the learned counsel appearing for the petitioners that already this Court had granted bail to some of the co-accused in Crl.O.P.Nos.11519 & 11520 of 2020 dated 06.08.2020. He would further submit that the charge sheet has also been filed and the same was taken on file in P.R.C.No.2 of 2021 before the concerned Court. Hence, the petitioners seek anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the State would submit that there are three F.I.R.s registered against the accused. She would further submit that Accused No.2 had opened fire with his pistol and other accused have joined in the unlawful assembly.

5. This Court, by order dated 06.08.2020 while elaborately dealing with the various circumstances, granted bail to the accused in Crl.O.P.Nos.11519 and 11520 of 2020 on the ground that the cases are counter cases relating to the very same incident and there are two groups involved in the alleged occurrence.

6. Considering the facts and circumstances of the case and also considering the fact that this Court has already granted bail to the co-accused and taking note of the fact that the charge sheet was filed before the concerned Court and the same was taken on file in P.R.C.No.2 of 2021 and also considering the fact that the investigation is already over and custodial interrogation is not necessary in this case, therefore, this Court is of the view that the petitioners are entitled to get anticipatory bail.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or surrender or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chengalpattu, on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for like sum before the learned Judicial Magistrate No.I, Chengalpattu,

failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned concerned Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their dentity;

[b] the petitioners shall report before the learned Judicial Magistrate No.I, Chengalpattu, once in fifteen days every Monday at 10.30 A.M. until further orders and thereafter as and when required for interrogation;

[c] the petitioners shall not commit any offences of similar nature;

[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 SCW5560]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

(N S K J)
15.02.2021

TSG

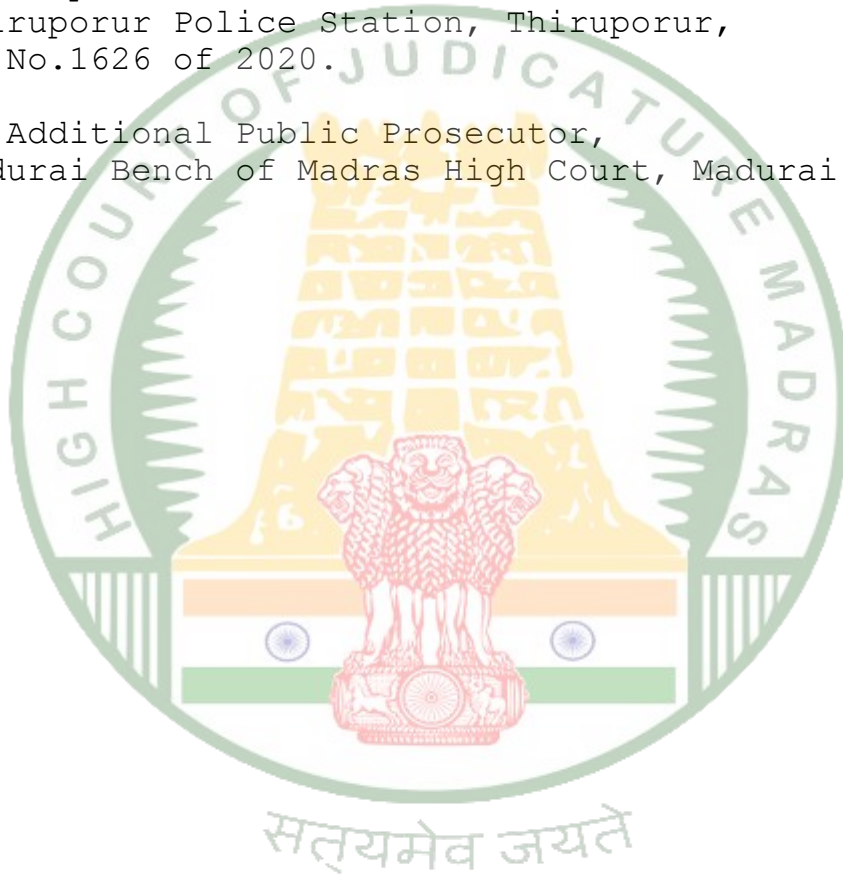
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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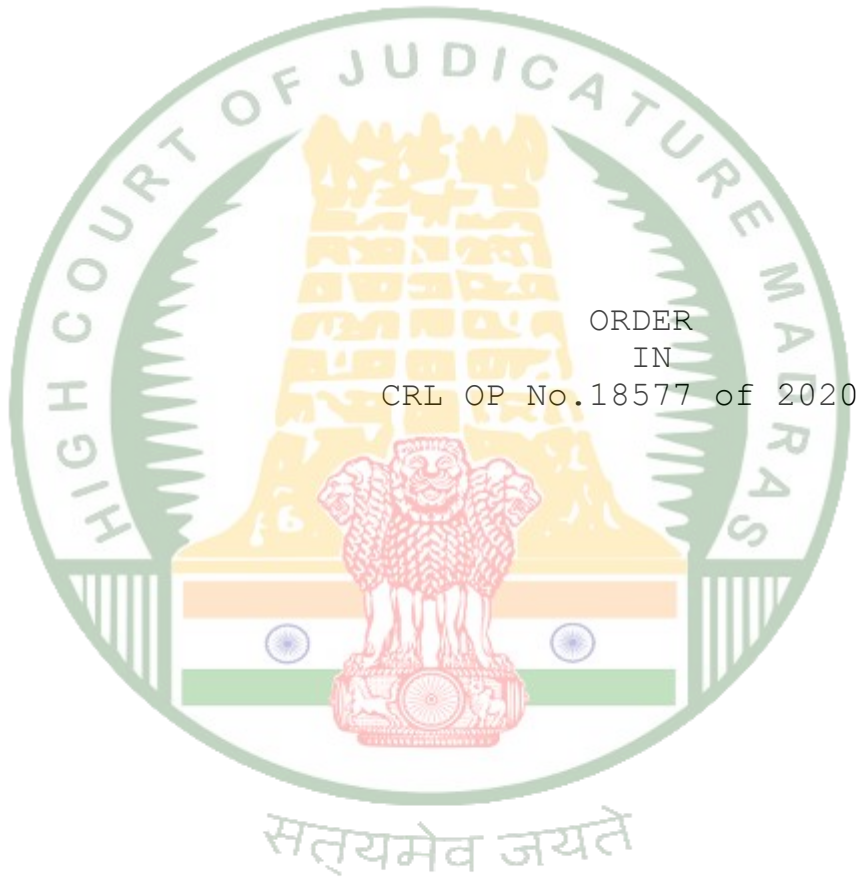
1. The Judicial Magistrate No.I, Chengalpattu.
2. Do-Through The Chief Judicial Magistrate,
Chengalpattu.
3. The Inspector of Police,
Thiruporur Police Station, Thiruporur,
Cr.No.1626 of 2020.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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N.SATHISH KUMAR, J

TSG



Date : 15/02/2021

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