



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17581 of 2021

1 G.K.VASU [PETITIONERS / ACCUSED]
2 T.RADHAMANALAN
3 B.VENKATESAN
4 R.JANAKIRAMAN

Vs

STAE REP.BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
GUMMIDIPOONDI,
THIRUVALLUR DISTRICT.
CRIME NO.389 OF 2021.

For Petitioner : M/S. S.KUMARESAN Advocate

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

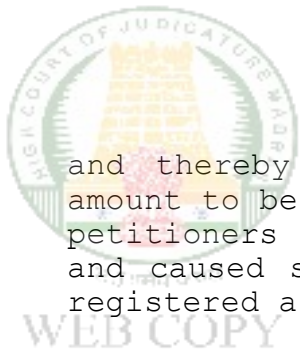
For Intervener : M/S.P.GOVINDARAJAN, Advocate

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b),147,148,448,394 and 506(ii) of IPC in Crime No.389 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was civil dispute pending between the parties. It is alleged that the wife of the first petitioner and the third petitioner consented to purchase a property belonging to the sister-in-law of the defacto complainant



and thereby entered into a memo of understanding and the balance amount to be settled by the accused is Rs.2,11,00,000/-. While so the petitioners attacked and abused the father of the defacto complainant and caused serious injuries to him. Hence the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant only invited the petitioners to his company for settlement talks and when the settlement talks were going on the defacto complainant also attempted to attack the petitioners. Hence, they pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there was a civil dispute pending between the parties and the petitioners attacked the father of the defacto complainant and caused injuries to him. He further submits that there are 2 previous cases are pending against the the first petitioner and 3 previous cases pending against the second petitioner. He further submits that the injured discharged from the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts of the case and there is 2 previous cases pending against the first petitioner 3 cases pending against the second petitioner, this Court is not inclined to grant anticipatory bail to the first and second petitioners, accordingly this petition is dismissed with regard to the first and second petitioners/A1 and A2 and as there is no previous case pending against the third and fourth petitioners, this Court is inclined to grant anticipatory bail subject to certain conditions

6.Accordingly, the third and fourth petitioners/A3 and A4, 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, Gummudipoondi on condition that the petitioners 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 third and fourth petitioners/A3 and A4 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 third and fourth petitioners/ A3 and A4 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 third and fourth petitioners/ A3 and A4 shall not tamper with evidence or witness either during investigation or trial;

(d) the third and fourth petitioners/ A3 and A4 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 third petitioner and fourth 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/-

27/09/2021

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,
GUMMUDIPOONDI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR DISTRICT.

+2 CC to M/S. S.KUMARESAN Advocate on payment of necessary charges SR.NO.10652

CRL OP.17581/2021

Date :27/09/2021

RW 01/10/2021