



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.17848 of 2021

1 R.GURU PRASAD
2 RAMDAS

[PETITIONERS / ACCUSED 1 & 3]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT.
(CRIME NO.829 OF 2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.D.JAYASINGH 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 at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 323, 324 & 506(ii) of I.P.C. in Cr.No.829 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that for a birthday party organized by the petitioners, a singer was invited to sing a Gaana song and on his refusal, the petitioners threatened him with dire consequences. Therefore the said singer went to police station to file a case against the petitioners, who was accompanied by the brother of the De-facto Complainant. Due to that previous enmity, the defacto complainant was attacked by the accused persons, since his brother was along with the said singer while giving police complaint. Hence the present 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 prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are nine cases pending against the 1st petitioner/A1 and there is no previous case



against the 2nd petitioner/A3. He strongly opposed to grant anticipatory bail to the 1st petitioner/A1.

5. Considering the facts and circumstances of the case, since there are nine previous cases against the 1st petitioner/A1, this petition is dismissed insofar as 1st petitioner is concerned. In respect of the 2nd petitioner / A3, since there is no previous case, this Court is inclined to grant anticipatory bail with the following conditions.

6. Accordingly, the 2nd petitioner/A3 is granted anticipatory bail and he is 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-I, Chengalpattu, on condition that the 2nd petitioner/A3 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)if the 2nd petitioner/A3 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 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 2nd petitioner/A3 shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the 2nd petitioner/A3 shall not tamper with evidence or witness either during investigation or trial;

(f)the 2nd petitioner/A3 shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 2nd petitioner/A3 in accordance with law as if the conditions have been imposed and the 2nd petitioner/A3 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;



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

WEB COPY

-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-I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.JAYASINGH Advocate on payment of necessary
charges SR.NO.10649

CRL OP.17848/2021

Date :27/09/2021

CSK 01/10/2021