



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19532 of 2021

1 MURUGAVEL [PETITIONERS / ACCUSED]
2 THIRUNAVUKKARASU
3 VASUDEVAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
H-6, R.K NAGAR POLICE STATION,
CHENNAI.
(CRIME NO.2119/2021)

For Petitioner : M/S M.SATHISH KUMAR Advocate

For Respondent : MR.L.BASKARAN, 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 punishable under Sections 147,148, 323, 324, and 506(ii) of IPC in Crime No.2119 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Since there was a street fight, they were physical assault by each other. The case is also pending against the opposite party. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners and the defacto complainant are neighbours. The dispute arose between them when the other party was over controlling the area (dada) where they reside. He would submit that the injured has been discharged. However, he opposed for grant of anticipatory bail to the petitioner.



5. Considering the fact that it is a case in counter and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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6. Accordingly, the petitioners 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 XV Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner 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) the petitioners 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 petitioners shall report before the respondent daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

(d) the petitioners 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 petitioners 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/-
12/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
H-6, R.K NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.SATHISH KUMAR Advocate on payment of necessary
charges

CRL OP.19532/2021

Date :12/10/2021

CSK 20/10/2021