

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.19531 of 2021

1 P.MUTHAIAH
2 VIJAY CHANDER
3 V.ANTAVAR
4 S.RAMESH
5 R.RAMESH BABU

[PETITIONERS/ ACCUSED]

Vs

THE STATE OF TAMILNADU REP.BY
THE INSPECTOR OF POLICE,
T.14 MANGADU POLICE STATION,
CHENNAI.
(CR.NO.937 OF 2021)

[RESPONDENT]

For Petitioner : M/S.R.MOHANARAJA 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 u/s.147, 148, 294(b), 323, 324, 336 and 506(ii) of IPC in Crime No.937 of 2021 seek anticipatory bail.

2.The case of the prosecution is that due to political rivalry, the petitioners have attacked the defacto complainant, thereby, the defacto complainant suffered injury. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. The petitioner has also submitted that the index along with a typed set have been filed, wherein, the scan regarding the brain and photographs of the petitioner along with wound certificate issued by the Sri Ramachandra Medical Centre, Radiology & Imaging Sciences. He would further submit that the respondent police instead of taking action against the aggressors, have obtained complaint from

the aggressors themselves and registered a case against the petitioners. He would further submit that the dispute arose because of the local body election. 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 complaint lodged by the petitioners is registered in Crime No.937 of 2021. He would further 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 and 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.

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 District Munsif-Cum-Judicial Magistrate Court, Sriperumbadur / Poonamalli, 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 an 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIPERUMBADUR/POONAMALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T14 MANGADU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.MOHANARAJA Advocate on payment of necessary
charges SR.NO.11467

CRL OP.19531/2021

Date :12/10/2021

CSK 28/10/2021