



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19840 of 2021

1 BOOPATHI  
2 DEVENDIRAN

[ PETITIONERS / ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
KANCHI TALUK POLICE STATION,  
KANCEEPURAM DISTRICT  
Cr.No.1502 of 2021

[ RESPONDENT ]

For Petitioner : M/S E.SATHIYARAJ Advocate

For Respondent : M/S. C.E.PRATAP, 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 for the alleged offence under Sections 147, 148, 448, 294(b), 506(2) of IPC r/w section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Cr.No.1502 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused persons entered into the house of the de-facto complainant and started abusing the de-facto complainant's wife and children and threatened them with dire consequences. Hence, the Law Enforcing Agency registered a case against the petitioners and other accused persons, based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the de-facto complainant's brother namely Raja collected a sum of rupees about Rs.35 Lakhs from the petitioners promising to secure Government jobs to the petitioners and other accused persons. After a period of time, when the petitioners enquired



about the job, there was no proper reply from the de-facto complainant's brother and he started avoiding the petitioners. When the same was questioned by the petitioners, there arose a simple scuffle in which no one sustained injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) submits that there arose only a scuffle and no one sustained injuries. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that no one sustained injuries and that it was a scuffle between two groups of persons, 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 Judicial Magistrate-2, Kancheepuram, on condition that the petitioners 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 police 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 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 SCW 5560]; and;



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

WEB COPY

-sd/-

26/10/2021

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 JUDICIAL MAGISTRATE,  
NO.II, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE  
KANCHEEPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
KANCHI TALUK POLICE STATION,  
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S E.SATHIYARAJ Advocate on payment of necessary charges SR.No.11810

CRL OP.19840/2021

Date :26/10/2021

APN 01/11/2021