



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20022 of 2021

1 K.RAJA

[PETITIONERS / ACCUSED]

2 R.BHARANTH

3 R.PRASANTH

Vs

THE STATE REPBY ITS
THE INSPECTOR OF POLICE,
J-9 THURAIPAKKAM POLICE STATION,
THURAIPAKKAM,
CHENNAI-600 097
CRIME NO.746 OF 2021

[RESPONDENT]

For Petitioner : M/S.A.RAMESH MANIKANDAN 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 offences punishable Under Sections 294(b), 323, 324 & 506(ii) of Indian Penal code, in Crime No.746 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainants were involved in street road laying process. It is alleged that the petitioners prevented the defaco complainants from laying the road and thereby attacked them. Based on the complaint lodged by the defacto complainants, the respondent police registered a case.



3.The learned counsel appearing for the petitioners submits that the petitioners did not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners filed an affidavit that he will not disturb the road laying process. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there are no previous cases pending against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the undertaken affidavit, 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 Judicial Magistrate - II, Alandur at Chennai 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 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 appear 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/-

01/11/2021

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, ALANDUR AT CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-9 THURAIPAKKAM POLICE STATION,
THURAIPAKKAM, CHENNAI-600 097 .

+1 CC to M/S.A.RAMESH MANIKANDAN Advocate on payment of
necessary charges SR.NO.12252

CRL OP.20022/2021

Date :01/11/2021

RW 02/11/2021