



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20969 of 2021

1 SELVAM
2 VIJAY
3 MUTHU
4 PALANI
5 JAYASHEELA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D3 KADAMPATHUR POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO. 318 OF 2021.

[RESPONDENT]

For Petitioner : M/S. S.M.NANDHIE DEVHAN Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

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, 294(b), 323, 379, 506(i) IPC and Sec.4 of TNPWH Act 1998 in Cr.No.318 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was playing, the first petitioner who is the brother of one Pavithra have called the defacto complainant and attacked him for misbehaving with her sister and thereafter, the other petitioners, who are close relatives of the first petitioner also attacked him and snatched one Sovereign of gold chain and abused his family in filthy language. Thereby, the law enforcing agency registered a case against the petitioners.



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

4.The learned Additional Public Prosecutor submits that dispute arose between the petitioners and the defacto complainant in which the petitioners assaulted the defacto complainant. He further submits that the investigation is pending in this case. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is a case in counter registered against the defacto complainant, 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 No.II, Thiruvallur, 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/-
09/11/2021

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D3 KADAMPATHUR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.M.NANDHIE DEVHAN Advocate on payment of necessary charges

CRL OP.20969/2021

Date :09/11/2021

RW 16/11/2021