



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22304 of 2021

1.T.Hameed Nazrutheen ... Petitioners
2.H.Khaja Nizammudeen
3.H.Mohamed Niyas
4.P.Abdul Kathar
5.S.Sathik Ali

Vs.

Station House Officer, ... Respondent
R-1, Police Station,
Mambalam, Chennai - 600 017.
(Crime No.715 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioners on bail in the event on their arrest or their appearance before any Court in connection with case in Crime No.1965 of 2021, pending investigation on the file of the respondent police.

For petitioners : Mr.V.Raghavachari

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 341, 294(b), 324 and 506(ii) of IPC, 1860, in Crime No.715 of 2021, seek anticipatory bail.

2.Heard both sides.

2.The case of the prosecution is that due to civil dispute, the petitioner assaulted the defacto complainant with deadly weapons. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto



complainant, the respondent police registered a case against the petitioners.

3. The learned counsel for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate submits that the injured has been discharged from the hospital.

5. Taking into consideration the facts and submissions made by both the counsels and taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners on certain conditions.

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 Metropolitan Magistrate, Chennai, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police 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]**.



[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

25/11/2021

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

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

TO

1 THE METROPOLITAN MAGISTRATE,
CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE HOUSE OFFICER,
R-1 POLICE STATION,
MAMBALAM, CHENNAI-600 017.

+1 CC to M/S. V.RAGHAVACHARI Advocate on payment of necessary charges SR.NO.13513

CRL OP.22304/2021

Date :25/11/2021

TA-29/11/2021