



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21359 of 2021

1 PRASATH
2 MADHAVAN
3 SUDHAKAR
4 RAJA
5 VENKATRAMANA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT
(CRIME NO.311/2021)

[RESPONDENT]

For Petitioner : M/S R.THAMARAI SELVAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Cr1. Side)

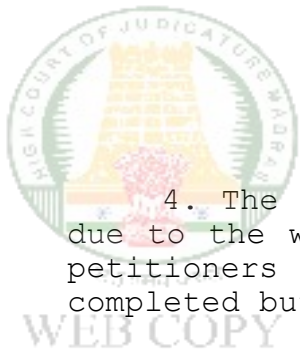
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offences under Section 188, 269, 147, 148, 294(b), 323, 506 (ii), 171(C) of I.P.C., in Crime No.311 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the de-facto complainant Chandrasekar has given a complaint before the respondent police on the allegation with regard to election dispute for the post of the Councilor. The petitioners were abused and assaulted the de-facto complainant, for which, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Further, he submits that, due to election dispute arose between the parties, petitioners has been falsely implicated in this case.



4. The learned Government Advocate (Crl Side) would submit that, due to the wordy quarrel between the petitioners and respondent, the petitioners assaulted the respondent. Investigation is almost completed but no injury out of wordy quarrel arose.

5. Considering the nature of allegations that there was an election dispute between the petitioners and respondent, since investigation is almost completed, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif Cum Judicial Magistrate, Uthokottai, 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 learned Magistrate 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 on every Saturday at 10.30 a.m., for a period of four 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.

-sd/-

16/11/2021

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 DISTRICT MUNSIF CUM
JUDICIALMAGISTRATE, UTHOKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.THAMARAI SELVAN Advocate on payment of necessary charges SR.NO.12830

CRL OP.21359/2021

Date :16/11/2021

RVR 18/11/2021