

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

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

Crl.O.P.Nos.21556 and 21934 of 2021

1.Boopathi ...Petitioners
2.Devendiran (in Crl.OP.No.21556 of 2021)

Vasanth @ Vasantha Kumar ... Petitioner
(in Crl.OP.No.21934 of 2021)

Vs.

The State Represented by
Inspector of Police,
Ambattur Police Station,
Ambattur, Thiruvallur District,
Crime No.1621 of 2021.
... Respondent
(in both Crl.OPs.)

Common Prayer: Criminal Original Petitions filed under Section 438 of Cr.P.C. praying to enlarge the petitioners on bail in event of their arrest, pending investigation in Crime No.1621 of 2021, on the file of the respondent police.

For Petitioners : Mr.Sathiyaraj E
in Crl.O.P.No.21556 of 2021
: Mr.D.Ashokkumar
in Crl.O.P.No.21934 of 2021

For Intervenor : Mr.V.Sudharsan
in both Crl.OPs

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
in both Crl.OPs.

COMMON ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b) and 506 (1) of IPC in Crime No.1621 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 15.09.2021 at about 19.45 hours, the *de facto* complainant while returning to his home by car, the petitioners/accused intercepted the car and tried to attack him with sticks and stones and also abused him in filthy language and thereafter escaped from the scene of occurrence. Hence, the complaint.

3.Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they were falsely implicated in this case. He further submits that the *de facto* complainant had given a false promise of getting jobs from the Government Agency and collected crores of rupees from the various persons. He further submits that the *de facto* complainant and his brother are Advocates and hence, they had lodged a false complaint against the petitioners with the respondent police. Hence, he prays for anticipatory bail.

4.Learned counsel for the intervenor submits that the *de facto* complainant took bail for one Muthu Kumar, for which, the petitioners questioned the *de facto complainant* and also tried to attack him with sticks and stones. Hence, he vehemently opposed the grant of bail to the petitioners.

5.Learned Government Advocate (Crl.Side) raised an objection stating that the investigation is not yet completed and hence, he vehemently opposed the grant of bail to the petitioners.

6.Considering the fact that investigation has almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory 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, Ambattur, Thiruvallur, on condition that each of the petitioners shall execute a separate bonds 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 on every Wednesday and Saturday at 10.30 a.m. for a period of eight 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 anticipatory 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/-

22/11/2021

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,
AMBATTUR, THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.13349

+1CC to M/S.D.ASHOKKUMAR Advocate on payment of necessary charges SR.NO.13196

CRL OP.21556/2021

Date :22/11/2021

CSK 01/12/2021