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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21736 of 2021

1.Kamesh @ Vignesh
2.Rajesh
3.Madhan

... Petitioners

Versus

State rep. by
The Inspector of Police,
F-3, Arambakkam Police Station,
Tiruvallur District.
(Crime No.621 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in Crime No.621 of 2021, pending investigation on the file of the Inspector of Police, F-3 Arambakkam Police Station, Tiruvallur District.

For Petitioners: Mr.S.Nambirajan

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

O R D E R

The petitioners, who apprehends arrest for the alleged offence under Sections 341, 294(b), 324, 506(ii) of IPC, in Crime No.621 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.11.2021 the tractor went on the lake road, the defacto complainant released the tractor saying that it is normal for water to fall if the cart goes on the road. On 05.11.2021 the defacto complainant came in his two wheeler, 1st petitioner misled and sought filthy language to defacto complainant with the incident that took place on 03.11.2021 and cut defacto complainant forehead with the knife in his hand. 2nd petitioner was hit in the back of the head with an iron rod. One



person stabbed a beer bottle in the left cheek and an unidentified man hit on defacto complainant head with his hand and threatened to with weapons he had in his hand he says we would kill you. Hence the complaint.

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3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation is almost completed and no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, the investigation almost completed and co-accused already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 learned District Magistrate cum Judicial Magistrate, Gummidipoondi, Tiruvallur District, 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 every Saturday at 10.30 a.m until further orders;

(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.

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-sd/-

23/11/2021

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 DISTRICT MAGISTRATE CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
F-3, ARAMBAKKAM POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.NAMBIRAJAN Advocate on payment of necessary charges SR.NO.13231

CRL OP.21736/2021

Date :23/11/2021

RW 24/11/2021