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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Crl.O.P.No.21926 of 2021

1. Sakthivel
2. Murthy

.. Petitioners

Vs.

State rep.by
Inspector of Police,
Tambaram Police Station,
Chennai-600 045.
(Crime No.727 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.727 of 2021 on the file of the Inspector of Police, Tambaram Police Station, Chennai.

For Petitioners : Mr.S.Sairaman

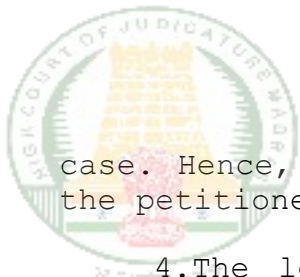
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323 and 506(i) of IPC in Cr.No.727 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a vegetable shop for the past several years in the Tambaram Market which is under the control of Tamabaram Municipality. On 24.09.2021, the petitioners along with others directed the defacto complainant's son to remove the vegetables shop and threatened him with dire consequences and assaulted him and also caused injuries to him and snatched his mobile phone. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this



case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) submits that the injured has been taken treatment as outpatient and investigation is almost completed.

5. Considering the submissions made by both counsel and also considering the fact that the injured has been taken treatment as outpatient and the investigation is almost completed, 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, Tambaram on condition that each of the petitioners shall execute 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 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.

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-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,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI 600045

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.SAIRAMAN Advocate on payment of necessary charges SR.No.13315

CRL OP.21926/2021

Date :22/11/2021

APN 26/11/2021