



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.24090 of 2021

1 SURYA

[PETITIONERS / ACCUSED]

2 NITHYANANTHAM @ NITHYA

3 LOGESH

Vs

STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,

KATTUR POLICE STATION,

THIRUVALLUR DISTRICT.

CRIME NO.291 OF 2021.

For Petitioners : M/S.R.RAJKUMAR Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 323, 324 and 506(ii) IPC in Cr.No.291 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there were some dispute between the petitioners and the defacto complainant with regard to conducting temple festival and thereby, the petitioners abused and attacked the defacto complainant. Based on the complaint of the defacto complainant, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are 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 on an earlier occasion, this Court had dismissed the anticipatory bail petition on the ground that there were previous cases of similar nature pending against them, however he further submitted that in respect of the 1st petitioner, there is no previous cases and in respect of petitioners 2 and 3, one previous case of similar nature is pending and there are no heinous offence committed by the petitioners.

5. Considering the submission made by the learned Government Advocate (Crl.Side), 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, Ponneri, 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 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 daily 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.



This Criminal Original Petition is ordered accordingly.

-sd/-
13/12/2021

WEB COPY

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.RAJKUMAR Advocate on payment of necessary charges
SR.NO.14733

CRL OP.24090/2021

Date :13/12/2021

JPA 23/12/2021