



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

CrI.O.P.No.21984 of 2021

1. Salam Basha
2. Jakir @ Jakir Hussain
3. Faruk @ Savukathali Faruk
4. Ashshu @ Ashraf Ali
5. Sayed Munna @ Sayed Hussain
6. Thahir @ Mohammed Thahir
7. Sardhar
8. Munaf
9. Immu @ Imran Ghous Sayyed
10. Ichu @ Sayyed Ejaaj Ghous

.. Petitioners

Vs.

The State rep.by
Sub-Inspector of Police,
Sathanur Dam Police Station,
Tiruvannamalai.
(Crime No.258 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of arrest or on their appearance before any Court in connection with the case in Crime No.258 of 2021 pending investigation on the file of the respondent police herein.

For Petitioners : Mr.S.Panneer Selvam

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(2), 307 of IPC and Section 4 of TN Prohibition of Harassment Act, 2002 and Section 3 of TNPPDL Act in Cr.No.258 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that there was a wordy quarrel between two group of people in which, the petitioners along with other accused attacked the defacto complainant and other persons with iron rod and wooden log and also threatened them with dire consequences and caused injuries to the defacto complainant. 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. He further submits that the co-accused were already enlarged on anticipatory bail by this Court in Crl.OP.Nos.17254 and 17274 of 2021 dated 20.09.2021. 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 discharged from the hospital. He further submits that investigation was almost completed.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the injured has been discharged from the hospital and investigation was 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, Thandrampet 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 10.30p.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/-

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,
THANDRAMPET, TIRUVANNAMALAI DISTRICT.

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

3 THE SUB INSPECTOR OF POLICE,
SATHANUR DAM POLICE STATION,
TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.PANNEER SELVAM Advocate on payment of necessary charges SR.NO.13232

CRL OP.21984/2021

Date :22/11/2021

RW 01/12/2021