



Crl.O.P.No.22754 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

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

Crl.O.P.No.22754 of 2021

1. A.Arunpriyan
2. S.Prasannakumar

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
B2 – Thiruvallur Taluk Police Station,
Tiruvallur, Pincode – 602 001
Crime No.571 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in the event of his
arrest in Crime No.571 of 2021 pending investigation on the file of the
respondent.

For Petitioners : Mr.A.S.Sathiesh Kumar
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



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ORDER

The petitioners/A.5 and A.6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 506(i) and 379 IPC r/w Section 4 of Women Harassment Act in Crime No.571 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during Deepavali festival, the defacto complainant bursted crackers, at that time, accidentally, one of the cracker bursted on the wheel of the vehicle, which belongs to A.1, therefore, A.1 along with his friends, viz., A.2 to A.6, [petitioners are arrayed as A.5 and A.6] came to spot, engaged in a wordy quarrel, abused, attacked and threatened the defacto complainant with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that out of the wordy quarrel, a false case has been foisted against the petitioners and the petitioners are innocent persons and no way connected with the alleged offence, therefore, prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent raised objection by stating that during deepavali festival,



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the petitioners along with other accused, engaged in a wordy quarrel, attacked and threatened the defacto complainant and hence the FIR was lodged. He would further submit that there is no previous case pending against the petitioners and the injured was admitted and discharged from the hospital and the investigation is almost completed.

5. Considering the facts and circumstances of the case and taking into consideration the nature of allegation levelled against the petitioner and that the investigation is almost completed, 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 their appearance before the learned Judicial Magistrate No.I, Thiruvallur, on condition that the each of the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to report before the respondent police on every Wednesday and Sunday 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No
Speaking/Non-Speaking order
ssd



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To

- 1.The Judicial Magistrate No.I,
Thiruvallur,
2. State Rep. By
The Inspector of Police,
B2 – Thiruvallur Taluk Police Station,
Tiruvallur,
Pincode – 602 001
3. The Public Prosecutor,
Madras High Court, Chennai.



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T.V.THAMILSELVI, J.

ssd

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