



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23004 of 2021

1.R.Tamilselvan
2.Mohanraj Haridass

... Petitioners

Versus

State represented by
The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, Chennai - 600 089.
(Crime No.214 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge them on bail in the event of their arrest by the respondent police for the alleged offences under Sections 147, 294(b), 323 and 506(1) IPC in Crime No.214 of 2021 on the file of the respondent police pending investigation.

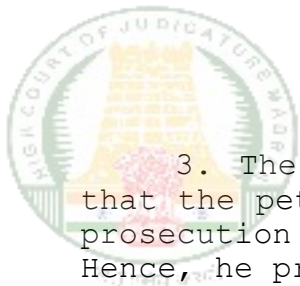
For Petitioners : Mr.M.Mohammed Rafi

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294 (b), 323 and 506(1) of IPC in Crime No.214 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 18.09.2021 when the defacto complainant came to the 1st petitioner's house in order to discuss the business MOU already executed between them and also with respect to the purchase of the defacto complainant's brother's property for which the amount was paid already. In order to sort out these 2 disputes, the defacto complainant had come along with few other persons to the 1st petitioner's house. The allegation further continues that a wordy quarrel ensued which entered into an altercation and thereafter the defacto complainant left the house, went to a hospital where he was given first aid and thereafter after a period of 4 weeks this complaint was registered. Hence the complaint.



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

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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that with regard to previous motive the alleged offence was happened and the victim also discharged. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 - I, Alandur, Chennai**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Sivagangai District and report before the Town Police Station 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
03/12/2021

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,
NO.I, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-4, NANDAMBAKKAM POLICE STATION,
NANDAMBAKKAM, CHENNAI-600 089.

5 THE OFFICER INCHARGE,
TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

+1 CC to M/S. M.MOHAMMED RAFI Advocate on payment of necessary charges SR.NO.13997

CRL OP.23004/2021

Date :03/12/2021

TA-08/12/2021