



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.22599 of 2021

1.Praveen @ Jappan ... Petitioners
2.Dinesh Kumar @ Praveen
3.Thiruvenkadam

Vs.

The State rep by its ...Respondent
The Inspector of Police
T-11, Thirunindravur Police Station
Tiruvarur District.
Crime No: 1220 of 2021

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioners on bail in the event of their arrest by the Respondent Police pending investigation in Crime No.1220 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.N.Suriyamuthu

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the Respondent Police for the alleged offence under **Sections 341, 323, 324 and 506(2) of IPC**, in Crime No.1220 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during a period of Diwali, the petitioners had parked their 4 wheeler in front of the de facto complainant's shop. When the de facto complainant questioned them, they assaulted the de facto complainant by using wooden log and caused severe injuries. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the 2nd and 3rd petitioners have already been granted anticipatory bail and the 1st petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the 1st petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the 1st petitioner has got one previous case and admits that the 2nd and 3rd petitioners have already been granted anticipatory bail.

5. In view of the above submission that the 2nd and 3rd petitioners have already been granted anticipatory bail, **this petition is dismissed as infructuous insofar as the 2nd and 3rd petitioners are concerned.**

6. Considering the fact that the co-accused have already been granted anticipatory bail and the investigation is almost completed, **this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.**

7. Accordingly, the **1st petitioner** is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No-II, Tiruvallur**, on condition that the 1st 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 conditions that:

(a) the **1st petitioner** shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand Only)** by way of **demand draft to the Tamil Nadu Legal Services Authority, Chennai** under necessary acknowledgment without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(b) the 1st petitioner 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;



(c) the 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 1st petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner 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;

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

-sd/-

01/12/2021

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-II,
TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-11, THIRUNINDRAVUR POLICE STATION,
TIRUVARUR DISTRICT.



Copy To:

THE TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, CHENNAI.

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+1 CC to M/S.N.SURIYAMUTHU Advocate on payment of necessary
charges SR.NO.13781

CRL OP.22599/2021

Date :01/12/2021

TA-10/12/2021