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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

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

Crl.O.P.No.23322 of 2021

1.Ananthan
2.Dhananchezhiyan
3.Ramesh
4.Muni @ Munirathinam

... Petitioners

Vs.

The State
Rep. by Inspector of Police,
B - 2, Thiruvallur Taluk Police Station,
Cr.No.571 of 2021.

... Respondent

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

For Petitioners : Mr.G.Ganesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294 (b), 323, 506 (i), of IPC 379 r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women 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 on 04.11.2021, when the defacto complainant was bursting crackers during the festival time, the first petitioner dragged the same in his motor cycle, the defacto complainant questioned about the same, the first petitioner called the other petitioner and had quarrelled with the defacto complainant and assaulted the defacto complainant with knife and wooden log and also caused injuries to the defacto complainant and his wife and admitted in hospital and it is further alleged that the petitioners striped off the 5 and 2 sovereign gold chains. Hence, the complaint.



3.The learned counsel for the petitioners submits that due to previous enmity, the defacto complainant lodged a false complaint against the petitioners. He further submits that petitioners are innocent persons and they have been falsely implicated in this case and he further submits the co-accused was already enlarged on bail and there was a case in counter. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that co-accused was already enlarged on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the co-accused was already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

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 No.1, Thiruvallur, 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 Magistrate / Trial Court 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 Sunday at 10.30 a.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.

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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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-2, TIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.GANESH Advocate on payment of necessary charges

CRL OP.23322/2021

Date :03/12/2021

CSK 14/12/2021