



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Crl.O.P.Nos.23665, 23670, 23669, 23663 of 2021

M.Vinoth	... Petitioner in Crl.O.P.No.23665 of 2021
V.Kubendran	... Petitioner in Crl.O.P.No.23670 of 2021
M.Petchirajan	... Petitioner in Crl.O.P.No.23669 of 2021
S.Rajasekar	... Petitioner in Crl.O.P.No.23663 of 2021

Vs.

State by, The Sub-Inspector of Police, T-4, Maduravoyal Police Station, Maduravoyal, Chennai. (Crime No.46 of 2021)	...Respondent in all the Petitions
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PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.46 of 2021, on the file of the respondent police.

For Petitioner : Mr.B.Gurumurthy

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

ORDER

The petitioners all the Crl.O.Ps, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 506(2) of IPC and Section 3 of the Tamilnadu Public Property (Prevention of Damage and Loss) Act, in Crime No.46 of 2021, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that one Dillibabu, is the supervisor of the Toll Plaza. It is alleged that the petitioners along with other accused persons unlawfully assembled with deadly weapon thereby abused the defacto complainant using filthy language and threatened him with dire consequences. It is further alleged that the petitioners damaged the properties of Toll Plaza and the value of damage is Rs.2,00,000/-. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioners would submit that the petitioners not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he did not receive any money from the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to their rights, are ready to deposit the amount of Rs.5,000/- (Five Thousand only) each petitioners to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.5,000/- will be returned to them. Hence, they pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the investigation almost completed. He further submits that co accused enlarged on bail. However, he opposed for grant of 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.

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 Judicial Magistrate II, Poonamallee 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand Only) each to the credit of Crime No.46 of 2021 before Judicial Magistrate No.II, Poonamallee, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of



the petitioners succeeding the case, the amount of Rs.5,000/- deposited by the petitioners to the credit of Crime No.46 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

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

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

(e)the petitioners 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 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;

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

-sd/-

09/12/2021

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, POONAMALLEE.

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



3 THE SUB INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
MADURAVOYAL, CHENNAI.

WEB 608V

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+4 CC to M/S. B.GURUMURTHY Advocate on payment of necessary
charges SR.Nos.14390,14391,14392 & 14393

CRL OP.Nos.23665, 23670, 23669, 23663 of 2021

Date :09/12/2021

RW 15/12/2021