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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23872 of 2021

1.Venkatesan
2.Prabakaran

... Petitioners

Versus

State represented by,
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.1046 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners in the event of arrest in Crime No.1046 of 2021 on the file of Kodavasal Police Station, Tiruvarur.

For Petitioners : Mr.R.Baskar

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, 148, 294(b), 352, 427, 324 and 506(ii) of IPC in Crime No.1046 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2021 one Ramki was walking on the Road nearing Mazhavacherry, the 1st Accused and his were in drunkenmood and also worded against the said Ramki. While informing the said incident to the defacto complainant the accused came in Two Wheelers (Two) nearing Annavasal School and hit with old lady. While questioning about rash driving and the incident by the Panchayat Member Saridha, her husband Anbzhagan and their son Goutham, the accused were worded against them in filthy language and the defacto complainant came questioned about the incident, they worded against his in filthy language and the 1st accused took the knife and stabbed on the back of the defacto complainant. A2, A5 attacked him with wooden log, A3, A4 attacked with stones and A6 attcked with his hand. The defacto complainant and others got injury. 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.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that due to wordy quarrel, co-accused were already released on bail and investigation almost completed. 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 District Munsif cum Judicial Magistrate, Nannilam, Thiruvavarur District*, 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime number and the victim is permitted to withdraw the same without prejudice to the right and contentions within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and 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.

[c] the petitioners are directed to report before the respondent police on every Wednesday 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 anticipatory 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].



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

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10/12/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to R.BASKAR Advocate on payment of necessary charges
SR.NO.14501

CRL OP.23872/2021

Date :10/12/2021

CSK 16/12/2021