



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

Crl.OP.Nos.24328 and 24366 of 2021

1. G.Vinayagam
2. M.Suresh

.. Petitioners
(in Crl.OP.No.24328 of 2021)

1. G.Muthu

.. Petitioner
(in Crl.OP.No.24366 of 2021)

Vs.

The State
Rep by the Inspector of Police
M-5, Ennore Police Station,
Chennai - 600 057.
Crime No.960 of 2021

...Respondent (in both Crl.OPs)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioners on bail in the event of their arrest in Crime No.960 of 2021 on the file of the respondent police.

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For Petitioners: Mr.J.Manikandan

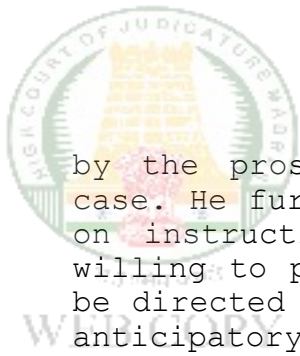
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323 and 506(2) in Crime No.960 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives and there was a wordy quarrel between them regarding family property dispute , due to which, the petitioners abused the defacto complainant with filthy language and assaulted her threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged



by the prosecution and they have been falsely implicated in this case. He further submits that there was a case in counter. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.5,000/- to any Charitable purpose as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the A3/second petitioner in CrI.OP.No.24328 of 2021 is having two previous cases. He further submits that there was a case in counter. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the fact that there was a case in counter and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 learned Judicial Magistrate, Thiruvottiyur on condition that each of the petitioners shall execute 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 are directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Tamil nadu Advocate Clerks Welfare Association, Chennai, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the first petitioner in CrI.OP.No.24328/2021 and the petitioner in CrI.OP.No.24366 shall report before the respondent police on every Tuesday at 10.30a.m., for a period of four weeks and thereafter as and when required for interrogation and the second petitioner in CrI.OP.No.24328/2021 shall report before the respondent police on every Tuesday and Sunday at 10.30a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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 has been imposed and the petitioners are 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/-

14/12/2021

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, THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI-600 057.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMIL NADU ADVOCATE
CLERKS WELFARE ASSOCIATION, CHENNAI

+4 CC to M/S.J.MANIKANDAN Advocate on payment of necessary charges Sr.Nos.14673 & 14672

CRL OP.Nos.24328 and 24366 of 2021

Date :14/12/2021

RVR 23/12/2021