



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24467 of 2021

1.N.Kamuel Kumar
2.Merlin Janet
3.Raji
4.Prabhudharan
5.Viji

... Petitioners

Versus

State by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.
(Crime No.884 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.884 of 2021 on the file of the respondent police.

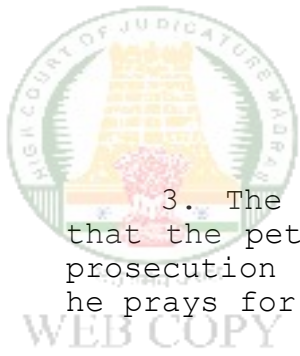
For Petitioners : Mr.M.Duraimurugan

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 506(i) of IPC in Crime No.884 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 04.12.2021 the defacto complainant and the petitioners were summoned by the respondent police to attend the enquiry regarding the complaint given by the defacto complainant. While they were attending the enquiry the petitioners abused the defacto complainant and their family members and started attacking them in front of the respondent police. The defacto complainant and his family members sustained injury and got admitted in the hospital. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has 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 there is some wordy quarrel, out of family dispute, case in counter and the divorce case is pending. 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 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Ambattur, 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 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;

(b) the petitioners 1, 3, 4 shall report before the Judicial Magistrate Court, Ambattur on every Tuesday at 10.30 a.m., until further orders and the petitioners 2 and 5 shall report before the Judicial Magistrate Court, Ambattur as and when requires 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.

-sd/-

15/12/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI-600 062.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.DURAIMURUGAN Advocate on payment of necessary
charges Sr.14803

CRL OP.24467/2021

Date :15/12/2021

RVR 20/12/2021