



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24886 of 2021

1.G.Jayakumar
2.G.Dinesh

... Petitioners

Versus

State represented by
The Inspector of Police,
M-6 Manali Police Station,
Manali, Chennai.
(Crime No.1308 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.1308 of 2021 on the file of the Inspector of Police, M-6 Manali Police Station, Manali, Chennai.

For Petitioners : Mr.C.Balaji

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 294(b), 324, 506(ii) of IPC, 1860 in Crime No.1308 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that petitioners are brothers and are running electrical shop at Manali, Chennai in the name and style of SS Electricals. The complainant is a builder and was introduced by the electrician Dinesh to the petitioners. Out of that relationship. the complainant approached the petitioners on 24.09.2021 and requested them to pay the electrical items as credit basis. On the day he has purchased electrical items for Rs.21,504/- and paid Rs.3000/- by way of cash and balance amount for Rs.18,996/- kept in credit basis and very next day once again the complainant has



approached the petitioners and purchased some electrical items for Rs.56,200/- and requested them to pay the amount within two days joint together. In these circumstances, the petitioners along with the petitioner's uncle went to the complainant house and asked to pay the balance amount which was payable by the complainant at the time a quarrel arose between them. Abruptly, the petitioners and another joint together and attacked the complainant brutally and caused head 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 the injured got 7 stitches in the head and out of some wordy quarrel. 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 Judicial Magistrate, Thiruvottiyur, Tiruvallur 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:

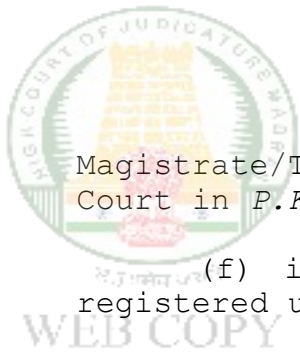
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(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/-
20/12/2021

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, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-6, MANALI POLICE STATION,
MANALI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.BALAJI Advocate on payment of necessary charges
SR.NO.15135

CRL OP.24886/2021

Date :20/12/2021

CSK 23/12/2021