



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25133 of 2021

WEB COPY

1. S. Kesavan
2. B. Nathiya
3. S. Chandrasekar
4. S. Balamurugan

... Petitioners

Versus

The State Represented by
The Inspector of Police,
T-2, Ambattur Estate Police Station,
Chennai.

(Crime No.956 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of apprehending arrest in the Cr.No.956 of 2021 on the file of the respondent police.

For Petitioners: M/S.A. Suresh Sakthi Murugan

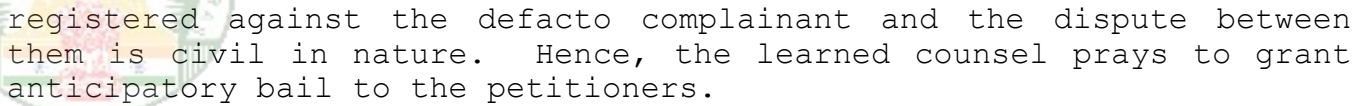
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 341 and 324 of IPC r/w Sec.4 of Tamil Nadu Prevention of Harassment Act in Cr.No.956 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity regarding land dispute, there arose quarrel between the petitioners and the defacto complainant and thereafter, the petitioners assaulted the defacto complainant with iron pipe. In the said attack both of them sustained injuries in which the defacto complainant sustained grievous injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. He further submits that there is a case in counter



4. The person has

5. Considering the fact that the injured has been discharged from the hospital and that there is a case in counter, 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, Ambattur on condition that the petitioners shall execute a bond 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 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;

(b) the petitioners/A1, A3 and A4 shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the petitioner/A2 shall appear before the respondent police as and when required 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.

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-sd/-

21/12/2021

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,
T2- AMBATTUR ESTATE POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.SURESH SAKTHI MURUGAN Advocate on payment of
necessary charges Sr.15256

CRL OP.25133/2021

Date :21/12/2021

RVR 29/12/2021