



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25272 of 2021

1. K.Prabakaran ...Petitioners
2. S.Shivaprasath
3. J.Ameer Batcha

Versus

The State rep by its ...Respondent
The Inspector of Police,
D-1, Triplicane Police Station,
Chennai City.
(Crime No.1219 of 2017)

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 in Crime No.1219 of 2017 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 448, 341, 294 B, 324, 307 and 506(ii) IPC in Crime No.1219 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused persons had attacked the defacto complainant and caused injuries. 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. He further submitted that there was a previous enmity, a false case has been given. He further submitted that co-accused had already been



granted anticipatory bail by the lower Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned XIII Judicial Magistrate, Egmore, Chennai**, on condition that the petitioners shall execute a separate 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 petitioners shall report before the respondent police on every Sunday 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 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.

WEB COPY

-sd/-

22/12/2021

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,
NO.XIII, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-1 TRIPLICANE POLICE STATION,
CHENNAI CITY.

+1 CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO.15410

CRL OP.25272/2021

Date :22/12/2021

TA-03/01/2022