



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25259 of 2021

1.Sasi @ Sasekumar  
2.Thennarasu  
3.Ramesh

... Petitioners

Versuse

State represented by  
The Inspector of Police,  
Avadi Police Station,  
Ambattur, Chennai.  
(Crime No.2089 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 in Crime No.2089 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Manimaran

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 147,341, 324,506(ii) of IPC in Crime No.2089 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as State Secretary in IT Wing of Tamil Nadu RTI Social Association and on 07.12.2021 when the defacto complainant was standing in a Tea Shop and was speaking in phone near Avadi Paruthipattu Bus Stand at that time the petitioners along with others alleged to have come there along with wooden logs and chappals and alleged to have assaulted the defacto complainant since he questioned about illegal selling of liquors in their bar. 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 victim is in OP treatment and investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case, on seeing the papers that the defacto complainant is working as State Secretary in IT Wing of Tamil Nadu RTI Social Association, he running the association, 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 - II, Poonamallee, 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 on every Saturday 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.



Police also direct to investigate whether Defacto Complainant is allegedly authorized to run such RTI Association.

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-sd/-

22/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR(FOR INFORMATION)

3 INSPECTOR OF POLICE,  
AVADI POLICE STATION,  
AMBATTUR, CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. M.MANIMARAN Advocate on payment of necessary charges  
Sr.15326

CRL OP.25259/2021

Date :22/12/2021

RVR 28/12/2021