



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1032 of 2022

1. Sunal @ K.Kotteswaran
2. Subash

... Petitioners

Vs.

State represented by
The Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District.
(Crime No.2 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest by respondent police in the above Crime No.2 of 2022 pending
on the file of respondent Police.

For Petitioners: Mr.P.Parthiban

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence
under Sections 294(b), 323, 324 and 506 (ii) of IPC in Cr.No.2 of
2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence,
when the defacto complainant and his friends standing near Kadambathur
Ticket Counter, the petitioners came there and abused his friends in
filthy language, subsequently, developed into hand quarrel and
following the same, the defacto complainant was trying his friend away
from the spot. Due to which, the petitioners assaulted him by hands
and bricks, threatened him with dire consequences, thereby, the
defacto complainant sustained injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor on instructions submits that the first petitioner/A1 is a History Sheeter and there is no previous case as against the second petitioner/A2. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that the first petitioner/A1 is a history sheeter, this Court is not inclined to grant anticipatory bail to him and with regard to the second petitioner/A2, there is no previous case as against him, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, the second petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Thiruvallur on condition that the second petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the second petitioner 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 second petitioner 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;

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second petitioner stands ordered.

-sd/-

20/01/2022

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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-3, KADAMBATHUR POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.PARTHIBAN Advocate on payment of necessary charges

CRL OP.1032/2022

Date :20/01/2022

RW 31/01/2022