



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

CrI.O.P.No.1056 of 2022

1. Elango
2. Sudhakar
3. Sudhagar
4. Sundar Mannan

...Petitioners

Vs.

State Rep. By
Inspector of Police,
F-5,Pathirvedu Police Station,
Thiruvallur District.
(Crime No.4 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 arrest in Crime No.4 of 2022 pending on the file of the respondent Police.

For Petitioners: Mr.V.Sridhar
(CRL.OP.NO.1056/2022)

: M/S.M.SOUNDAR VIJAY ARUL RAM
(CRL.MP.NO.1648/2022)

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor
(CRL.OP.NO.1056/2022)

: M/S.L.BASKARAN,
Government Advocate (Crl.Side)
(CRL.MP.NO.1648/2022)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections Sections147, 148, 294(b), 323, 341, 448 and 506(ii) of IPCin Cr.No.4 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that on 05.01.2022 at about 18.00 hours, Sub-Inspector of respondent Police Station received a complainant from one Vidhun, who is HR Deputy Manager of ARS Company Group, Eguvapalaiyam Village, Gummidipoondi TK that on 04.01.2022 at about 10.00 hours, when one Sankar (Victim) who is the Plant HR of ARS Company was at his room, the petitioners trespassed into the victim's room and abused him in filthy language, assaulted him, threatened him with an iron rod. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been 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 there is no previous case as against the petitioners. 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 there is no previous case as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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, Gummidipoondi** on condition that the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 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/-
20/01/2022

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.

[*] Amended as per order of this court dated 28/02/2022 made in CrI.MP.NO.1648/2022 in CrI.O.P.No. 1056/2022

TO

**(*) 1 THE JUDICIAL MAGISTRATE,
GUMMIDIPOONDI**

2 THE JUDICIAL MAGISTRATE,
NO.1, THIRUVALLUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
F-5 PATHIRVEDU POLICE STATION,
TIRUVALLUR.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.SOUNDAR VIJAY ARUL RAM Advocate on payment of
necessary charges SR.NO. 3070

CRL OP.1056/2022

Date :20/01/2022

RW 31/01/2022

RW 08/03/2022