



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1883 of 2022

1.N.Shanmugam
2.M.Dhanasekar

... Petitioners

Versus

State represented by
The Inspector of Police,
D-4, R.K.Pet Police Station, Valanampudi,
Thiruvallur District.
Pin 631 301.
(Crime No.not known of 2022)

... 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.not known of 2022 on the file of the respondent police station.

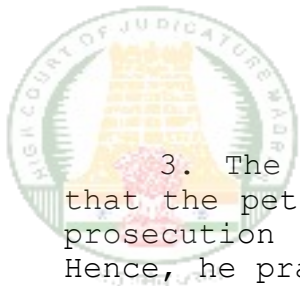
For Petitioners : Mr.A.T.John Victor

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 307, 506(ii) of IPC in Crime No.not known of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners gone to their native place i.e., Valakanampudi to celebrate Pongal Festival on 15.01.2022, during this celebration this Pongal festival, the petitioners have asked the Audio Sound System operator to play some song of their choice, for which the other opposite group expressed their objection not to play particular song demanded by the petitioners, as difference of opinion arisen between petitioners and other side group, as the petitioners have sensed some kind of danger was going to happen, the petitioners immediately left the venue. 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 the injured got 10 stitches in throat. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 District Munsif cum Judicial Magistrate Court at Pallipattu, Thiruvallur District**, 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 petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the **credit of the Crime Number and the victim is permitted to withdraw** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and 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.

[c] the petitioners is directed to report before the respondent police daily 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 anticipatory 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
28/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPATTU,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-4, R.K.PET POLICE STATION, VALANAMPUDI,
THIRUVALLUR DISTRICT-631 301.

+2 CC to M/S.A.T.JOHN VICTOR Advocate on payment of necessary charges SR.NO.1449

CRL OP.1883/2022

Date :28/01/2022

TA-02/02/2022