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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1796 of 2022

1.K.Manikandan
2.K.Velan

... Petitioners

Versus

The State of Tamilnadu represented by
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam Taluk and District.
(Crime No.18 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.18 of 2022 on the file of the respondent police.

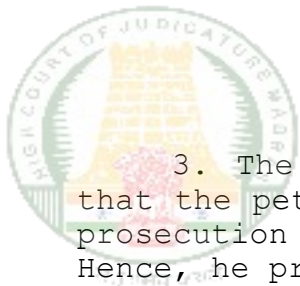
For Petitioners : Mr.K.M.Subramanian

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 294(b), 341, 342, 324, 506(1) of IPC in Crime No.18 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was having some previous enmity with the petitioners family. On 07.01.2022 when the petitioners were travelling in motorcycle at Nambiyar Nagar Street, the defacto complainant only voluntarily obstructed our vehicle and brutally assaulted the petitioners. Later the villagers amazed the both parties and compromised the matter. But the defacto complainant reversed from the earlier stand and had filed this false complaint. 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 due to previous enmity the defacto complainant voluntarily obstructed the vehicle. 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 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 Tuesday 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

' " (!) * and;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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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 JUDICIAL MAGISTRATE COURT,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VELIPALAYAM POLICE STATION,
NAGAPATTINAM TALUK AND DISTRICT.

CC to M/S.K.M.SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.1796/2022

Date :28/01/2022

TA-07/02/2022