



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2291 of 2022

1.Sathish @ Christoper
2.Anand

... Petitioners

Versus

State by
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(Crime No.10 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 connection with Crime No.10 of 2022 on the file of the respondent.

For Petitioners : Mr.R.Sasikumar

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, 148, 294(b), 324, 307 and 506(ii) of IPC in Crime No.10 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 14.01.2022 the petitioners along with some others assaulted the defacto complainant's brother, due to wordy quarrel regarding previous enmity. The injured person was discharged from the hospital. The petitioners and the defacto complainant are living in same village. Due to some misunderstanding to the petitioners and the defacto complainant, this complaint was lodged by the defacto complainant. 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 2nd petitioner was arrested, co-accused already released on bail, 1st petitioner still absconding. However, he vehemently opposed to grant anticipatory bail to the petitioners.

WEB COPY

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions and this petition dismissed against the 2nd petitioner.

6. Accordingly, the 1st 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 No.II, Poonamallee, on condition that the 1st petitioner 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 1st petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

(c) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st 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 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/-

03/02/2022

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, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges
Sr.1874

CRL OP.2291/2022

Date :03/02/2022

RVR 09/02/2022