



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5114 of 2022

1 R.SELVAM
2 A.PRAKASH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
H5 NEW WASHERMENPET POLICE STATION,
CHENNAI-81.
(CRIME NO.136 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.DHANASEKAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

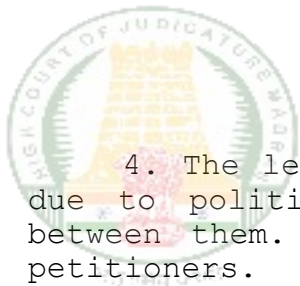
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 506(ii) of IPC r/w 3 of TNPPDL Act in Crime No.136 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a driver under the MLA of R.K. Nagar Constituency and while he was driving a car, the petitioners along with 50 others broken the mirror of the car and attacked the MLA's Assistant and at that time, there was a clash between both the parties. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the co-accused were already enlarged on anticipatory bail by this Court in Crl.OP.No.5012 of 2022 dated 03.03.2022. Hence he prays to grant anticipatory bail to the petitioners and they are ready to abide any conditions.



4. The learned Government Advocate (Crl.Side) has submitted that due to political dispute between the parties, there was a clash between them. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the rival submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners on condition that they shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the credit of Crime No.136 of 2022 before the learned XV Metropolitan Magistrate, George Town, Chennai.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned XV Metropolitan Magistrate, George Town, Chennai on condition that the petitioners shall execute separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.136 of 2022 before the learned XV Metropolitan Magistrate, George Town, Chennai.

(c) 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;

(d) the petitioners shall report before the Investigation Officer as and when required for an interrogation;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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



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

WEB COPY

-sd/-

04/03/2022

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H5 NEW WASHERMENPET POLICE STATION,
CHENNAI-81.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.DHANASEKAR Advocate on payment of necessary charges SR.No.3398

CRL OP.5114/2022

Date :04/03/2022

CSK 09/03/2022