



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10688 of 2022

1 KARTHICKEYAN [PETITIONERS/ ACCUSED]
2 G.KANMANIRAJA
3 DEVANAND

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SATHANGADU POLICE STATION,
MADHAVARAM DISTRICT.
(CR.NO.793 OF 2021)

For Petitioner : M/S.S.SUSAIRAJ Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 152, 294(b), 324, 353, 506(ii) of IPC r/w 3 of TNPPDL Act, later altered into Section 147, 148, 152, 294(b), 324, 353, 307, 506(ii), of IPC r/w 3 of TNPPDL Act in Crime No.793 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3. It is seen from the submissions that the body of a youth, who committed suicide by hanging himself was taken for post mortem in ambulance bearing registration No. TN-11-9316 at about 7 p.m on 22.12.2021. The accused in this case prevented the body from being taken for post mortem in ambulance and started attacking the ambulance and the police party.

4. It is further submitted that the co-accused were arrested and released on bail.



5. Considering the fact and circumstances of the case and the other co-accused arrested and released either on bail or anticipatory bail, this Court is of the view that custodial interrogation of the petitioners is not necessary, therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

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 Judicial Magistrate Court, Tiruvottiyur, 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 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;

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

(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 are 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;



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

WEB COPY

-sd/-

05/05/2022

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,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SATHANGADU POLICE STATION,
MADHAVARAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SUSAIRAJ Advocate on payment of necessary charges
SR.No.6841

CRL OP.10688/2022

Date :05/05/2022

CSK 11/05/2022