



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12288 of 2022

1 ABISHEK

[PETITIONERS / ACCUSED]

2 MAHESH @ MAHENDRAN

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
ERAVANCHERI,
THIRUVARUR DISTRICT.
CRIME NO.761 OF 2020

For Petitioners : M/S.J.JAWAHAR Advocate

For Respondent : MR.R.KISHORE KUMAR, 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 in S.C.No.72 of 2021 pending on the file of the learned Principal District Judge, Thiruvavarur, for the offences punishable under Sections 147, 148, 341, 302, 120(B), r.w. 34 of IPC in Crime No.761 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused conspired together and assaulted the father of the defacto complainant, thereby, caused death to him. Hence, the complaint. Now, final report has been filed before the learned District Munsif cum Judicial Magistrate, Nanilam and the same has been committed to the Principal District Judge, Thiruvavarur District and taken on file as SC No.72 of 2021 and the same is pending.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that already, this Court, by an order dated 27.01.2022 in Crl.O.P.No.1370 of 2022, granted anticipatory bail to the petitioners with certain conditions. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) also confirmed the above said submission. However, he would submit that this Court may impose the same condition as directed by this Court in the earlier order.

5. Considering the above fact and circumstances of the case, 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 fifteen days from the date on which the order copy made ready, before the learned Principal District Judge, Thiruvavarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 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.

[b] the petitioners shall report before the Principal District Court, Thiruvavarur on every Tuesday apart from the Court hearings, without fail.

[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 P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

WEB COPY

-sd/-
19/05/2022

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 PRINCIPAL DISTRICT JUDGE,
THIRUVARUR

2 THE SUB INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
ERAVANCHERI, THIRUVARUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.JAWAHAR Advocate on payment of necessary charges
SR.NO.7508

CRL OP.12288/2022

Date :19/05/2022

JPA 25/05/2022