



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25677 of 2021

1.Mahalingam
2.Saravanakumar
3.Sathishkumar

... Petitioners

Versus

State represented by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.623 of 2017)

... 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 concerned in Crime No.623 of 2017 on the file of the Inspector of Police, Sholavaram Police Station, Thiruvallur District.

For Petitioners: Mr.P.Chandrasekar

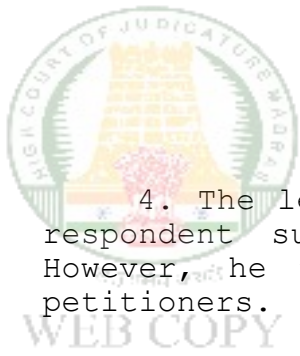
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 336, 447, 506(i) of IPC in Crime No.623 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Vijayakumar lodged a complaint with the respondent police on 17.08.2017 alleging that petitioner abused with filthy language and also try to assaulted 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 PETITION FOR BAIL 439 Cr.P.C.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is land dispute, wordy quarrel. 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 learned Judicial Magistrate - II, Ponneri 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 2 and 3 shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and the 1st petitioner shall report before the respondent police as and when requires for interrogation;

(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]; and;



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

-sd/-

03/01/2022

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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 II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLUR DT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.25677/2021

Date :03/01/2022

INBA-06/01/2022