



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.26017 of 2021

1. P.A.Udhay Anand
2. P.A.Vivekanand

... Petitioners

Vs.

The State rep by
The Inspector of Police
Achirapakkam Police Station,
Chengalpattu District
(Crime No.510 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Cr.No.510 of 2021 on the file of the respondent herein.

For Petitioners : Mr.G.Magesh Kumar

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323, 324 and 506(i) of IPC in Crime No.510 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant regarding previous enmity, due to which, the petitioners abused the defacto complainant with filthy language and attacked him with hands, criminally intimidated him and caused injuries on him. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.5,000/- to any Charitable purpose as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the injured has taken treatment as out-patient for one day. He further submits that the investigation was almost completed.

5. Considering the fact that the injured has taken treatment as out-patient for one day and the investigation was almost completed and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Madurantakam on condition that the petitioners shall execute separate bonds 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 and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Madras High Court Advocate Clerks Welfare Association, Chennai within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[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 respondent police on Wednesday at 10.30p.m for a period of four weeks and thereafter 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;

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[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 has 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;

-sd/-
04/01/2022

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, MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATION,
CHENNAI

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+1 CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary
charges SR.NO.204

CRL OP.26017/2021

Date :04/01/2022

JPA 10/01/2022