



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.26024 of 2021

1.Gugapathy
2. Sheeba

...Petitioners

Vs

The State rep by
Inspector of Police,
(Law and Order)
S-14, Peerkankaranai Police Station,
St.Thomas Mount,
Chennai- 600 063.

..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 in Crime No.737 of 2021 pending on the file of the respondent for the alleged Non-Bailable Offences pending investigation of the above Crime.

For Petitioners : Mr.K.Balakrishnan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(II) of the Indian Penal Code, in Crime No.737 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the defacto complainant was proceeding in his Scooter along with his brother, the petitioners who came in a Swift Car bearing Regn.No.TN22 CX 0531 were about to hit the Scooter of the defacto complainant and when the same was questioned, the petitioners abused and threatened them and they also threw chilly powder on them. 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 that there is a case in counter against the defacto complainant in Crime No.736 of 2021. He would further submit there is a civil dispute pending between them due to which, a false case has been foisted against the petitioners. Hence, he would pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection but admits that there is a case in counter.

5. Considering the facts and circumstances of the case and the fact that there is a case in counter and that there is civil dispute pending between the parties, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Tambaram, on condition that the petitioners shall execute separate bonds 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

(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/-
04/01/2022

WEB COPY

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.I,
TAMBARAM.

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

3 THE INSPECTOR OF POLICE,
LAW AND ORDER,
S-14, PEERKANKARANAI POLICE STATION,
ST.THOMAS MOUNT, CHENNAI-63

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.82

CRL OP.26024/2021

Date :04/01/2022

INBA-07/01/2022