

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 9710 of 2020

1. Vasanthakumar
2. Saravanan

... Petitioners

Vs.

The State rep by
Sub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.809/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.809 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363, 294(b), 323, 324, 506 (ii) of IPC in Crime No.809 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the victims to the defacto complainant by payment of Rs.9 lakhs to secure a job from the 1st petitioner herein. On receipt of the same, the victims did not secure any job for him and also refused to return back the amount, which was paid by the 1st petitioner/A1. Therefore, there was a quarrel between them and attacked him, and as such, he has suffered severe injuries. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that there was a money dispute between the petitioners and the defacto complainant, due to which, there was a quarrel between them, thereby they have sustained simple injury, and after treatment, they were discharged from the hospital. Thereafter, the petitioners have poured petrol on the leg of the defacto complainant and set fire. Therefore, two fingers were removed from his right leg and also one more finger was dead, thereby,

the defacto complainant has sustained grievous injuries and after treatment, he was discharged from the hospital. Now, he is taking treatment from the private hospital. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners have given a sum of Rs.9 lakhs to the defacto complainant to secure a job to the first accused herein. After receipt of the same, the defacto complainant did not secure any job and also refused to return the amount, which was received by him for getting a job. Therefore, there was a quarrel between them and as such, the petitioners have poured petrol on the leg of the defacto complainant, thereby he has sustained grievous injury. Now, he is taking treatment in the private hospital till today. He has submitted that the investigation is still pending and as such, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that totally there are two accused, in which the petitioners have arrayed as A1 and A2. Admittedly, the 1st accused has given a sum of Rs.9 lakhs to secure a job to him. After receipt of the same, the defacto complainant did not secure any job and also refused to return the amount, for which, the petitioners have poured petrol on the right leg of the defacto complainant and set fire. Due to which, the defacto complainant has sustained injuries and now, he is taking treatment in the private hospital daily. According to the defacto complainant, he has lost his two fingers. Now, the amount received from the 1st accused was returned to the defacto complainant.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Uthangarai, on condition that the each of petitioners shall execute a separate 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 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 appear before the respondent police daily at 10.30 a.m. for a period of four weeks and

thereafter as and when required 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]**.

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

-sd/-
29/06/2020

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB-INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.9710/2020

Date :29/06/2020



सत्यमेव जयते

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