

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 20670 of 2020

1. Anandan
2. Raguvaran

... Petitioners

Vs.

State Rep by,
Inspector of Police,,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime No.884 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to release the petitioners/Accused No.1 & 8 on bail in crime No.884 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.D.Sethupathi

For Respondent : Mr.L.Charles Prem Kumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 14.12.2020 for the offence punishable under 147, 148, 323, 324, 506(ii) of IPC, in Crime No.884 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.12.2020 the petitioners with other accused persons had damaged the articles in the hotel of the defacto complainant and also attacked the defacto complainant and based on the complaint given by the defacto complainant and based on the false complaint against this petitioners. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent and he has been falsely implicated in this. Hence, he prays for grant of bail to the petitioner. He would further submit that the petitioners was arrested on 14.12.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would stating that the petitioners went to defacto complainant's hotel, ate and refused to pay the bill and damaged Chair and Dining table. The value of damaged property is Rs.20,000/-, the investigation is pending, the victim has been discharged.

5. Heard the learned Counsels and perused the F.I.R.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners in the judicial custody, this Court is inclined to grant bail to the petitioners subject to the following conditions;

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Krishnagiri, and on further conditions that:

(b)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall petitioners shall appear before the respondent police every day at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7.With the above directions, this Criminal Original Petition stands ordered.

-sd/-
30/12/2020

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 COURT NO.II,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

+1CC to M/S. E.D.SETHUPATHI Advocate on payment of necessary charges SR NO.8760

CRL OP.20670/2020

Date :30/12/2020

MK:30/12/2020