

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20847 of 2020

1. Jawahar
2. Rajkumar

... Petitioners

Vs.

The State rep. by
The Sub-Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.
(Crime No. 815 of 2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 815 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.K.Maheshwaran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 307 of IPC in Crime No.815 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3.It is seen from the submissions made by the learned counsel for the petitioners and the learned Public Prosecutor that the defacto complainant and his brother is running a Finance Company and the first petitioner's mother joined in a monthly chit scheme and has paid the entire chit amount. However, the defacto complainant sent his men to the first petitioner's house and threatened the first petitioner mother to pay the extra amount. When the petitioners went to the defacto complainant's office to enquire about the chit details, there arose fight between them and in that fight the petitioners alleged to have attacked the defacto

complainant and caused injuries. It is now informed that the injured has been discharged from the Hospital and the investigation is almost completed.

4.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Krishnagiri, on condition that each of the petitioner 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 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 shall report before the respondent police daily at 10.30 a.m for a period of two 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 229-A IPC.

-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,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI.

+4 CC to M/S.M.AKBAR BASHA Advocate on payment of necessary
charges SR.NO.8755

CRL OP.20847/2020

Date :30/12/2020

TA-07/01/2021



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