

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.662 of 2021

1.Mahalingam
2.Palaniyappan @ Palanisamy
3.Krishnan

... Petitioners

Vs.

The State Rep. By Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
(Crime No.09 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest in in Crime No.09 of 2021 on the file of the Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District, pending investigation.

For Petitioners : Mr.N.Chinnaraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.09 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to business rivalry, there was a quarrel arose between the petitioners and the defacto complainant, in which, the petitioners are said to have assaulted the defacto complainant and sustained injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they were no way connected with this crime and they have been falsely implicated in this case. He would further submit that this petition may be dismissed as not pressed insofar as petitioners 2 and 3 are concerned, Hence, he prays

for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are said to have assaulted the *defacto* complainant, due to which, the *defacto* complainant sustained injuries. He further submits that the injured has been discharged from the hospital.

5. Taking into consideration the nature of offence and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate I, Gobichettipalayam, on condition that 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation. Insofar as petitioners 2 and 3 are concerned, this criminal original petition is dismissed as not pressed.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/01/2021

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 INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DIST.

2. THE JUDICIAL MAGISTRATE -1,
GOBICHETTIPALAYAM.

3. THE CHIEF JUDICIAL MAGISTRATE,
ERODE. [FOR INFORMATION]

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.662/2021

ksm01/02/2021

Date : 21/01/2021

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