

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1381 of 2021

1.Ganesan
2.Kumutha
3.Krishnamoorthi Ramar

... petitioners

Vs.

State rep. by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.36 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 their arrest by the respondent police in the above Crime No.36 of 2021.

For Petitioners : Mr.D.Saikumarran

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, 427 and 506(2) IPC in Crime No.36 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners are said to have attacked the defacto complainant and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the 1st petitioner and the defacto complainant are brothers. He would further submit that the petitioners are innocent persons and they have been fasely implicated in this case. He would further submit that it is a case in counter in Cr.No.37 of 2021.

4. The learned Additional Public Prosecutor would submit that due to civil dispute, the petitioners said to have attacked the defacto complainant and caused injury. It is a case in counter in Cr.No.37 of 2021. He would further submit that there is no bad antecedents against the petitioners.

5. Taking into consideration the nature of offence and also taking note of the submission that it is a case in counter and the injured discharged from the hospital, 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Omalur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/02/2021

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 JUDICIAL MAGISTRATE,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

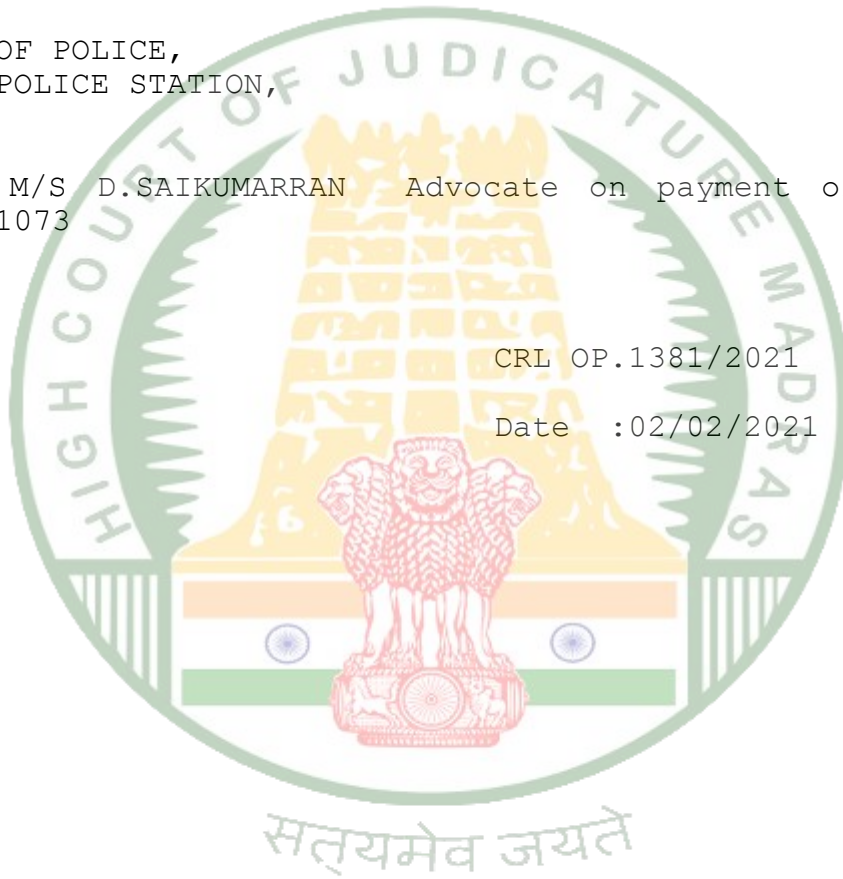
4 INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM.

CC to M/S D.SAIKUMARRAN Advocate on payment of necessary
charges SR.NO.1073

CRL OP.1381/2021

Date :02/02/2021

RVR 08/02/2021



WEB COPY