

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1905 of 2021

1.Periyasamy
2.Madhappan

... Petitioners

-Verusus-

The State Rep. by
Inspector of Police,
Pochampalli Police Statino,
Krishnagiri District.
[Crime No.25 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 in Crime No.25 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.25 of 2021 on the file of the respondent police for the alleged 294(b), 323, 324 and 506(ii) of IPC, are before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally three accused in this case and the petitioners have been arrayed as A2 and A3 respectively. The allegation is that when the petitioners and A1 consuming liquor by sitting on the public road, the de facto complainant questioned their act. Immediately, the petitioners along with A1, who were in an inebriated mood, said to have attacked the de facto complainant.

4. According to the learned Additional Public Prosecutor, the injuries sustained by de facto complainant were only simple in nature and he had been discharged from the hospital. A1, who was arrested and remanded to judicial custody, had already been released on bail.

5. Considering the facts and circumstances of the case and also the fact the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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 of receipt of a copy of this order, before **the learned District Munsif cum Judicial Magistrate, Poachampalli**, on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks as and thereafter as and when required by the police for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 himself /Trial Court as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POACHAMPALLI,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI.

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

CRL OP.1905/2021

Date :24/02/2021

TA-25/02/2021

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