

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.1951 & 2312 of 2021

R.Harish (A4) .. Petitioner in Crl.O.P.No.1951/21
K.Hari @ Hirendar (A2) .. Petitioner in Crl.O.P.No.2312/21

vs.

State represented by
Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District.
(Crime No.20 of 2021)

.. Respondent in both Crl.O.Ps

Prayer: Criminal Original Petitions filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.20 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.Sundaravadhanam

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

O R D E R

(The case has been heard through video conference)

The petitioners are A2 and A4. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 506(2) & 379 of IPC, in Crime No.20 of 2021 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A1 and A3 have scolded the defacto complainant with unparliamentary words and attacked him with iron pipe and also stolen his gold chain worth 2 sovereigns and Rs.7,000/- cash in the wordy quarrel that took place during the mid night of 31.12.2020. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel the petitioners along with A1 and A3 abused the

defacto complainant and hit him with iron rod and caused injury and they have also stolen cash and jewels from the defacto complainant. He further stated that the defacto complainant was discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case, 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 Judicial Magistrate I, Virudhachalam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 petitions 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 appear before the respondent police every day at 10.30 a.m. until further orders.

(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/Trial Court himself 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.

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

-sd/-

17/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

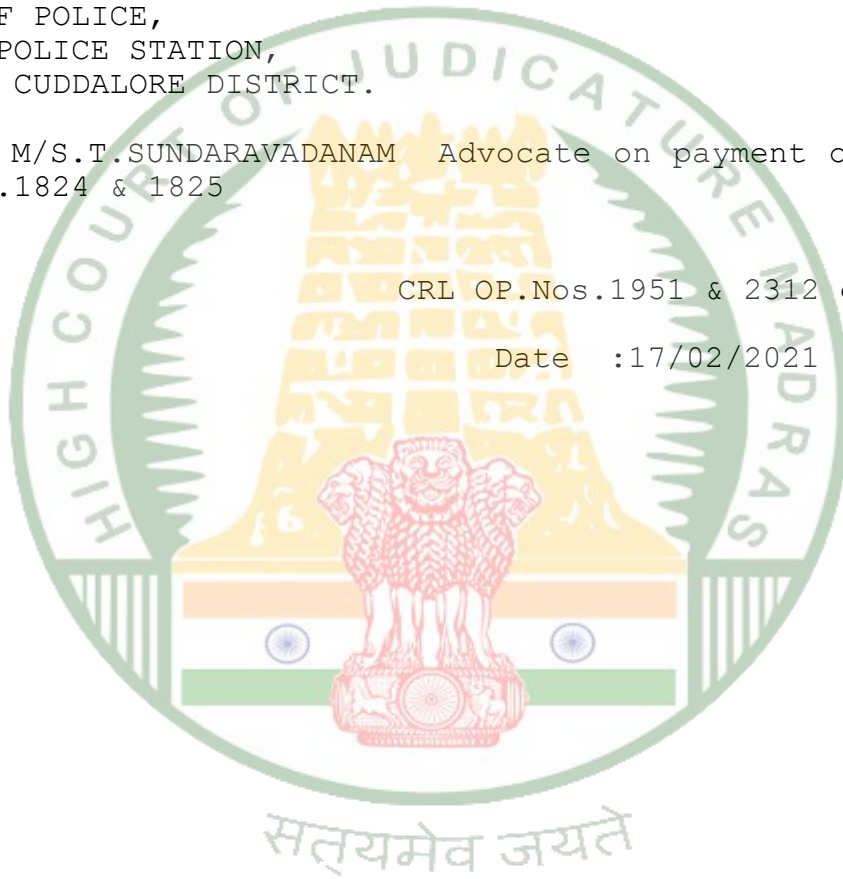
4 INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.

+2 CC to M/S.T.SUNDARAVADANAM Advocate on payment of necessary
charges SR.Nos.1824 & 1825

CRL OP.Nos.1951 & 2312 of 2021

Date :17/02/2021

RVR 24/02/2021



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