

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2620 of 2021

1.Balasubramaniyan
2.Marimuthu
3.Balamurugan

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District.
(Crime No.173 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 Cr.No.173 of 2021 on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioners are arrayed as A3 to A5. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 324, 427 and 506(ii) of I.P.C. r/w 4 of TNPHW Act, 2002 in Crime No.173 of 2021 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the 1st petitioner has borrowed money from the defacto complainant. When he asked to return the money, the petitioners said to have attacked him, thereby caused injury to him. Hence, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for the petitioners submitted that now the main accused A1 and A4 were arrested and released on bail. He would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution

and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that now the investigation is also completed and the co-accused was also released on bail. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the injured was discharged from the hospital, the arrested co-accused were released on bail and there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

(a) Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate, Thiruthuraipoondi, Thiruvavur Dt.**, on condition that the petitioners shall execute a separate 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:

[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;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

6. 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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.2341

CRL OP.2620/2021

सत्यमेव जयते Date :24/02/2021

TA-12/03/2021

WEB COPY