

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4291 of 2021

1 MADHAN KUMAR
2 NAVEEN KUMAR

[PETITIONERS/ACCUSED No.4 & 5]

vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.
(CRIME.NO.10/2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.M.SUBASH Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.10 of 2021 on the file of the respondent police for the alleged offence u/s 147, 148, 294(b), 323,324, 392,397 and 506(ii) of IPC, seek 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. The petitioners are said to have been arrayed as A4 and A5 respectively. According to the prosecution version, while taking bath in a river, the petitioners along with other accused, compelled the de facto complainant to take photographs and send the same on their WhatsApp number. When the de facto complainant responded that there is no such facility in his camera, the petitioners along with other accused said to have assaulted the de facto complainant and snatched away the camera from him. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocents of alleged offence and a case has been foisted against him falsely. The learned counsel would further submit that the petitioners have no bad antecedent and they are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail to them.

5. The learned Additional Public Prosecutor would fairly submit that there is no bad antecedent reported against the petitioners and the co-accused had been granted anticipatory bail by this court.

6. Considering the facts and circumstances of the case and also the fact that the camera had been recovered and the co-accused had been granted anticipatory bail by this court by order dated 10.02.2021 in Crl.O.P.No.2131 of 2021, this Court is inclined to grant anticipatory bail to the petitioners also 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-II, Mettur, on each of them executing 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:

[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 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 have been 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/-
04/03/2021

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 II,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.

+2 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO.2878.

सत्यमेव जयते

CRL OP.4291/2021

Date :04/03/2021

EP-12/03/2021

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