

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5868 of 2021

1 K.THANIGAN

[PETITIONERS / ACCUSED]

2 A.GANDHI

Vs

STATE REP BY

[RESPONDENT]

JOLAPET POLICE STATION,

TIRUPATTUR DISTRICT.

CRIME NO.2 OF 2021.

For Petitioner : M/S.KARAN AND UDAY Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 341, 302 of I.P.C. in Cr.No.2 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the other accused are alleged to have conspired together and attacked the victim and the defacto complainant with regard to performance of pooja in Temple. The petitioners are arrayed as A8 and A9 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners were not available in the scene of occurrence and there is no material available to substantiate the conspiracy theory.

4.The learned Additional Public Prosecutor submitted that A1 to A4 attacked the deceased and defacto complainant with knife and wooden log and further submitted the allegation against the petitioners is that they conspired together and induced the other accused to attack the victim and the defacto complainant. However, he fairly submitted that A1 to A3 were already arrested and enlarged on bail.

5.Considering the fact that the main accused were already arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirupattur, on condition that the petitioners shall execute 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 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 Court concerned 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 daily at 10.30 a.m. until further orders;

(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 petitioner 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/04/2021

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 NO.I,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

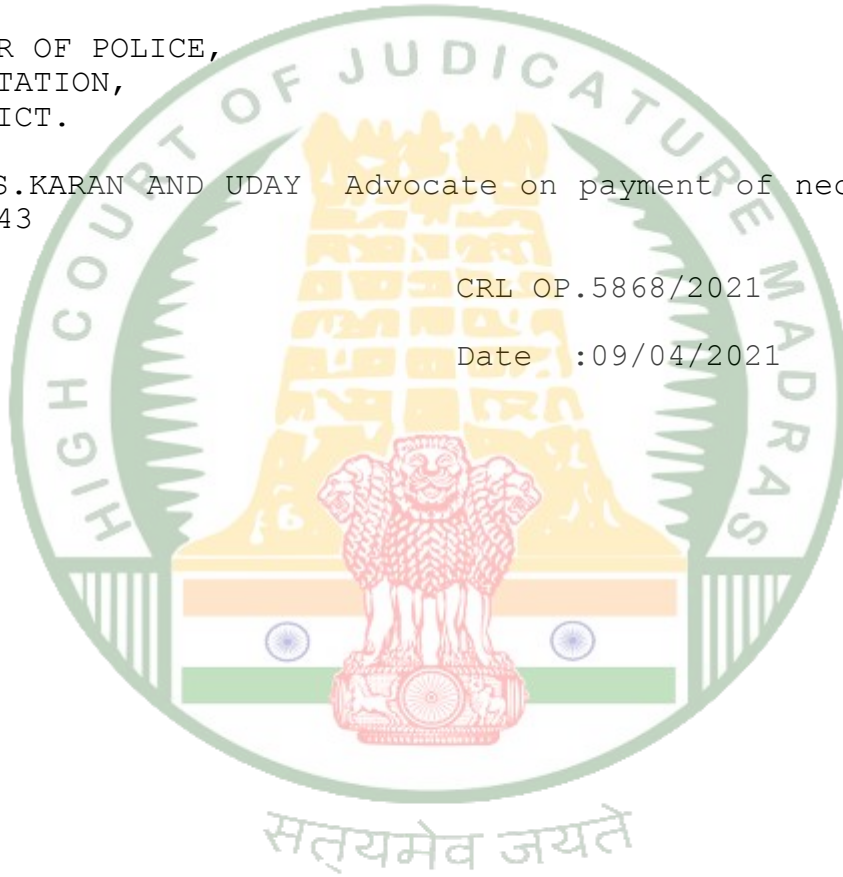
4 THE INSPECTOR OF POLICE,
JOLAPET POLICE STATION,
TIRUPATTUR DISTRICT.

+1CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges SR NO.4743

CRL OP.5868/2021

Date :09/04/2021

MK:16/04/2021



WEB COPY