

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6039 of 2020

1. K.Abu @ Abuthair
2. S.Abilaesh

... Petitioners

Vs.

The State of Tamil Nadu
Through
The Inspector of Police,
D-3, Podanur Police Station,
Coimbatore 01.
Crime No.20 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No. 20 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.Deepan Uday

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.20 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners along with other accused abused and quarrelled with the *de facto* complainant and also assaulted him with knife and thereby, caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would submit that the main accused in this case was arrested and later, enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent would submit that there are totally three accused in this case and that the petitioners along with main accused abused the *de facto* complainant with filthy language and assaulted him with knife and thereby, caused injuries to him. He would submit that there is no previous case as against these petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and that there is no specific overt act against these petitioners, 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 Munsif-cum-Judicial Magistrate, Madukarai, Coimbatore District, 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 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 as and required for the 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/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/-

04/01/2021

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 MUNSIF-CUM-JUDICIAL MAGISTRATE,
MADUKARAI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-3 PODANUR POLICE STATION,
COIMBATORE-01.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.6039/2020

Date :04/01/2021

MN-29/01/2021

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