

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.8724 of 2021

1.KUMAR @ SUKUMAR ...Petitioners/Accused-2,4,8 to 10  
2.GUNA  
3.CHITRA  
4.KOKILA  
5.MAHALAKSHMI

Vs.

State Rep. By ... Respondent/Complainant  
The Inspector of Police  
NAMAGIRIPET Police Station  
Namakkal District  
(Crime No.284 of 2021)

**Prayer:** Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.284 of 2021 on the file of the respondent police.

For Petitioner : W.Camyles Gandhi

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Cr1. Side)

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 punishable under **Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 11 read with 12 of POCSO Act, in Crime No.284 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter who is aged 16 years is studying in XI std. and while she was going to school, one Krishnan used to give her love torture and thereby, the defacto complainant had sent her daughter to his relatives house. Thereafter, on 30.03.2021 at about 7.30 p.m., the said Kirhsnan along with his relatives went to the defacto complainant's house and attacked him by using Reaper and stones due to which, the defacto complainant and yet another person were injured. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that during the incident two persons sustained injuries and now they have been discharged from the hospital. However, he opposed for grant of anticipatory bail.

5. Taking note of the facts and circumstances of the case and also of the fact that the injured have been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

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 on which the order copy made ready, before the **learned Judicial Magistrate, Rasipuram**, on condition that the petitioners shall execute a separate 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:

[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 1 and 2 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioners 3, 4 and 5 shall report before the respondent police as and when required for interrogation.

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

-sd/-  
13/05/2021

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,  
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
NAMAGIRIPET POLICE STATION,  
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.6119

CRL OP.8724/2021

Date :13/05/2021

TA-17/06/2021

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