

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.8871/2021

1.Vaitheeswaran  
2.Venkatesan

.. Petitioners

Versus

State rep.by  
The Inspector of Police  
Bargur Police Station  
Krishnagiri District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking bail to the petitioners pending investigation in crime No.117/2021 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

ORDER

- (1) The petitioners, who were arrested on 22.04.2021 for the offences punishable under Sections 294[b], 323, 307, 506[ii] of IPC in Crime No.117/2021 on the file of the respondent police, seek bail.
- (2) The case of the prosecution is that the 1<sup>st</sup> petitioner/A1 said to have illicit intimacy with one Chitra - wife of the defacto complainant's brother and as a result of which, on 21.04.2021, at about 8.00 p.m., the petitioners drove Maruti Swift Car bearing Regn.No.TN-24-S-8751, in a rash and negligent manner and hit the two-wheeler, bearing Reg.No.TN-24-AS-3570, driven by the defaco complainant accompanied by one Madesh. In the said incident, both the complainant and Madesh fell down from the bike and suffered injuries and not satisfied with the same, the petitioners said to have attacked the complainant with iron rod and also threatened him with dire consequences. Hence, the complaint.

- (3) The learned counsel for the petitioners submitted that the petitioners are innocent and they are in judicial custody from 22.04.2021 and that the injured persons are discharged from the hospital and seeks bail for the petitioners.
- (4) Heard the submissions of the learned Additional Public Prosecutor who strongly opposes this petition.
- (5) Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and further that the injured persons are already discharged from the hospital, this Court is inclined to grant bail to the petitioners.
- (6) Accordingly, the petitioners are ordered to be released on bail 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 learned Judicial Magistrate No.1, Krishnagiri, and on further condition that:
- a) 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 daily at 10.30 a.m., until further orders.
  - c) the petitioners shall not abscond either during investigation or trial.
  - d) the petitioners shall not tamper with evidence or witness 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/-

12/05/2021

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,  
NO.1, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
BARGUR POLICE STATION,  
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,  
SUB JAIL, KRISHNAGIRI

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

CRL OP.8871/2021

Date :12/05/2021

RVR 13/05/2021

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