

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9227 of 2021

M.Raj Mailsamy
A.Mohammed Basheer

... Petitioners/Accused No.1 &2

Vs.

State Rep. By
The Inspector of Police
Alandurai Police Station
Coimbatore.
(Crime No.63 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner / accused on bail in the event of his arrest in Crime No.63 of 2021 on the file of the respondent police.

For Petitioner : M/s.SMS Law Chamber

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 341, 324, 294(b) and 506(ii) of IPC in Crime No.63 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ram Prasanna is that due to previous enmity in respect of Rekla Race, on 10.04.2021 at about 3.30 a.m., the petitioners along with other accused waylaid the defacto complainant and his friends and attacked them with knife and hands due to which, the defacto complainant and one of his friend sustained injury. 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

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioners along with other accused waylaid the defacto complainant and his friends and attacked them with knife and hands due to which two persons sustained injuries. He would further submit that the petitioners are arrayed as A1 and A2 and that A3 has been arrested and later released on bail. He would further submit that the injured have been discharged from hospital. However, he vehemently 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 and A3 in this case has been arrested and released on bail, 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 Principal District and Sessions Judge, Coimbatore**, 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 shall report before the respondent police everyday at 10.30 a.m., for a period of 15 days and thereafter 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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALANDURAI POLICE STATION,
COIMBATORE.

+1 CC to M/S.SMS LAW CHAMBER Advocate on payment of necessary charges SR.NO.6187

CRL OP.9227/2021

Date :13/05/2021

TA-17/06/2021

सत्यमेव जयते

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